



An  
Coimisiún  
Pleanála

# Inspector's Addendum Report

## ACP-324054-26

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| <b>Development</b>                  | LRD: Demolition of the former Saint Joseph's Convent and construction of 408 student accommodation bedspaces in two apartment buildings of two to five storeys in height, a café and all ancillary site development works. |
| <b>Location</b>                     | Former Saint Joseph's Convent, Model Farm Road, Cork   |
| <b>Website</b>                      | <a href="http://www.stjosephslrd2.ie">www.stjosephslrd2.ie</a>   |
| <b>Planning Authority</b>           | Cork City Council  |
| <b>Planning Authority Reg. Ref.</b> | 2443455  |
| <b>Applicant</b>                    | Lyonshall Limited  |
| <b>Type of Application</b>          | Large-Scale Residential Development  |
| <b>Planning Authority Decision</b>  | Grant Permission subject to conditions   |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellants</b>                   | Paul Desmond   |

Gerard O'Mahony  
Woodlawn Residents Association  
Rosaleen O'Connor  
Breda O'Driscoll and others  
Killian and Stephanie Kelly  
Coleman Byrne and Anne Harney  
Dan and Ann Byrne  
Merton MFR Management Company  
Vailima Management Company  
Siobhan Brennan  
Padraig McCarthy and Penny  
Huggard

**Observers**

**Inspector**

John Duffy

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**Appendix 1** – Form 1: EIA Pre-Screening

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## 1.0 Introduction / Background

- 1.1. This Inspector's Report is an Addendum Report to the Inspector's Report previously prepared in respect of ACP-321978-25, dated 15<sup>th</sup> May 2025. Permission was sought for a Large scale Residential Development (LRD) for demolition of the former St. Joseph's Covent, at Model Farm Road, Cork to provide for the construction of a 408 bed Purpose Built Student Accommodation (PBSA) development in two buildings of two to five storeys in height, a café and all ancillary site development works.
- 1.2. The Order of An Bord Pleanála dated 9<sup>th</sup> June 2025 granted permission for the proposed development.
- 1.3. A Judicial Review of the decision to grant permission was taken by a number of third party appellants (i.e. Woodlawn Residents Association, Killian Kelly and Dan Byrne and Gerard O' Mahony). An Bord Pleanála's decision was quashed by Order of the High Court perfected on the 17<sup>th</sup> of November 2025. The Order states that the matter is to be remitted back to An Coimisiún Pleanála to be reconsidered in accordance with law. It is considered appropriate to remit this LRD back to the point in time, following completion of the Inspector's Report of the 10<sup>th</sup> April 2025.
- 1.4. By letter dated 12<sup>th</sup> February 2026 the Commission notified the applicant that the decision made on the case was quashed by Order of the High Court and that the matter is remitted back to An Coimisiún Pleanála to be reconsidered in accordance with law. Further, having regard to Article 73(1)(a) of the Planning and Development Regulations 2001, as amended, the applicant was afforded the opportunity, in the interests of justice, to make any further submissions/observations on the remitted planning application.
- 1.5. The applicant responded to the Article 73(1)(a) notice on the 11<sup>th</sup> March 2026. On the 13<sup>th</sup> March 2026 the Commission advised all parties and observers to the appeal of the quashed case and its remittal and under section 131 of the Planning and Development Act 2000, as amended, these participants were invited to make submissions/observations on the remitted case and on the applicant's response to the Article 73(a)(1)(a) notice.
- 1.6. A summary of the applicant's response to the Article 73(1)(a) notice is set out in section 2 of this report.

- 1.7. Summaries of responses received to the section 131 notices from appellants and an observer are set out in section 3 of this report.

## 2.0 Planning History

Details of relevant planning applications / appeal decisions made since the previous Inspector's Report on the proposed development, along with details of planning cases referred to by first and third parties in their submissions, are outlined below.

PA Ref. 2543729 / ACP Ref. PL28.500147 refers to a March 2026 decision to grant permission, subject to conditions, for demolition of existing structures and construction of student accommodation comprising 170 no. bed spaces at Bishopstown House (Protected Structure), Model Farm Road, Cork.

PA Ref. 2341980 / ACP Ref. 319766-24 refers to a December 2025 decision to grant permission, subject to conditions, for (i) partial change of use from commercial to residential (ii) demolition of the former garage and the preservation of the existing 20th century structure on the site for use as a food store (iii) the construction of a residential development consisting of 30 apartment units and (iv) all associated site works, at a site formerly known as Dennehy's Cross Garage, at Dennehy's Cross, Model Farm Road, Cork.

PA Ref. 2543946 / ACP Ref. 323515-25 refers to a December 2025 decision to grant permission, subject to conditions, for an LRD consisting of 170 dwellings, creche and café, at the former Vita Cortex Plant, Kinsale Road and Pearse Road, Cork.

## 3.0 Policy Context

This section considers any relevant updates to policies already referenced in the Inspector's Report previously prepared in respect of the proposed development (ACP-321978-25 dated 15<sup>th</sup> May 2025) and new relevant documents.

### 3.1. Local Context: Cork City Development Plan 2022-2028

Consistent with the Inspector's Report prepared in respect of ACP-321978-25 (dated 15<sup>th</sup> May 2025), the Cork City Development Plan 2024-2028 remains in place as the

operative Plan for the area. Variation No. 2 of the Cork City Development Plan 2022-2028, relating to Cork Docklands, was adopted since the date of the original Inspector's Report prepared in respect of ACP-321978-25. The Variation was made on 14<sup>th</sup> July 2025, and comprises three elements:

**Part A:** Updates to "Volume 1: Written Statement" of the Cork City Development Plan 2022-2028 where it relates to "Chapter 10: Key Growth Areas and Neighbourhood Development Sites (2. City Docks)." Consequential text changes arise within "Chapter 1: Introduction", "Chapter 11: Placemaking and Managing Development" and "Chapter 12 Land Use Zoning Objectives".

**Part B:** A series of mapping updates in "Volume 2: Mapped Objectives" of the City Development Plan that relate to Map 01, (Land use zoning), Map 02 (Infrastructure) and Chapter D (Drainage).

**Part C:** A new "Volume 4" of the City Development Plan which contains an overview of the design strategies arising from the Framework Plan and inclusion of Supplementary Guidance.

In mid-April 2026 Cork City Council advertised a public consultation on Proposed Variation (No. 3) (NPF Implementation) to the Cork City Development Plan 2022-2028. Part of the proposed amendments to the written statement include compliance with Ministerial Guidelines, specifically the NPF Implementation: Housing Growth Requirements for Planning Authorities (2025), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025). The closing date for submissions on Variation No. 3 is given as 13<sup>th</sup> May 2026.

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

This Action Plan aims to further accelerate the delivery of new homes, to deliver 300,000 by the end of 2030, which will be achieved through the individual and collective effort of the key delivery partners. Local authorities, together with Approved Housing Bodies, the Land Development Agency, and the construction sector, will be critical to delivering and enabling the delivery of the quantum of homes needed over the lifetime of the plan. This is a wide-ranging strategy, encompassing two pillars: Activating Supply and Supporting People.

3.2.1. Section 7.7 of the Action Plan notes that Government is committed to a long-term student accommodation strategy focussed on increasing the supply of student accommodation in line with demand. It outlines that increasing the supply of student specific accommodation will reduce reliance on the private rental market, thereby increasing housing availability for private individuals and families.

### 3.3. **Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025)**

Section 5.2 of this document relates to Purpose Built Student Accommodation (PBSA). These Guidelines were issued on the 8<sup>th</sup> of July 2025; however they do not apply to the subject appeal. They only apply to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e., from 9<sup>th</sup> of July 2025.

### 3.4. **Design Guide for State Sponsored Student Accommodation (2025)**

This Guide was published on the 24<sup>th</sup> June 2025; it provides an iterative framework reflecting best practice supporting the efficient delivery of student accommodation. It is intended, where appropriate, that the standards contained therein can inform the planning and design of off-campus forms of student accommodation that are led by the private sector.

### 3.5. **The National Student Accommodation Strategy 2026-2035**

This Strategy outlines practical measures to address affordability, supply and viability while ensuring that future demand is met without additional pressure on the private rental market. The Strategy is built around two pillars as follows:

- Pillar 1: Viability and Supply, focuses on activating supply for the emerging demand of 42,000 student beds, including on and off Campus Purpose Built Student Accommodation (PBSA) and Rent-a-Room beds over a ten-year period to meet the projected levels of demand.
- Pillar 2: Affordability Supports for Students aims to provide targeted financial support directly to students regardless of whether they are Living at Home, in Rent-a-Room accommodation, Private Rental or public or private PBSA.

## 4.0 Applicant's response to Article 73(1)(a) notice

4.1. This response may be summarised under relevant headings as follows:

### Density / Material Contravention of Cork City Development Plan (CCDP) 2022-2028

- Policy and Objective 3.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) requires statutory development plans to be varied to have effect to the density ranges and other measures outlined therein.
- Cork City Council has commenced the process of varying the CCDP and it is anticipated that the upcoming variation will give formal effect to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Both Cork City Council and An Coimisiún Pleanála previously considered the proposed development would accord with the relevant provisions of the CCDP. The planning context, policies and objectives underpinning this decision have not altered since it was made in June 2025.
- Based on the Order of the High Court to quash the Commission's decision and in the event that the proposed variation of the CCDP is not adopted before the Commission decides the case in May 2026, it may be considered that a Material Contravention may arise in respect of density. Notwithstanding, the Commission should have regard to section 37(2)(a) of the Planning and Development Act 2000, as amended as it is considered that a grant of permission is warranted in this case.
- In this context, reference is made to a LRD proposal at the former Vita Cortex Plant, Kinsale Road and Pearse Road, Cork (ACP Ref. 323515-25 refers) whereby the development was considered to contravene the CCDP, however the provisions of section 37(2)(a) were invoked, and a grant of permission was made.

### Appropriate design / details of proposed basement and foundations

- The architectural drawing pack as submitted with the planning application is considered to fully accord with the requirements of both the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended. Notwithstanding, the applicant wishes to supply the Commission with further information regarding the proposed foundations and basement construction (submitted with response to Article 73(1)(a) notice). The information includes a full design of the depth and foundation type proposed in addition to basement construction, and is considered to be beyond the reasonable scope of a planning application in this context.
- Previous third party submissions highlighted concerns regarding potential impact of subterranean works and basement construction, which they considered had not been fully detailed, on their properties. The attached file note from the Consulting Engineers provide full details of design of foundations and basement in addition to construction methodology. It concludes the proposed basement is limited in scale, located a substantial distance from surrounding property boundaries (more than 35m from southern, eastern and western boundaries) and that construction will have no adverse impact on adjoining properties beyond normal and temporary construction effects typical of any development activity.
- The additional design information for the basement construction and foundation details has been reconsidered in the EIAR Screening Report, the AA Screening Report and the Construction and Demolition Waste Management Plan (CDWMP). This additional information has not altered the recommendations and conclusions of these reports.

#### Applicant's conclusion

- The submitted further information does not change or impact the previous assessments submitted, but reaffirms them
- The proposed development remains an acceptable scale and density of development at this location, which will not seriously injure the residential or visual amenities of the area or of property in the vicinity. It is acceptable in terms of urban

design, height and quantum of development as well as in terms of traffic and pedestrian safety and convenience.

- The principal issue which arose in the Judicial Review proceedings can be remedied by the Commission having regard to provisions of section 37(2)(a) in determining the subject appeal.

The following additional information is submitted with the applicant's response:

- File Note from Horgan Lynch Consulting Engineers relating to matters raised regarding the proposed basement construction.
- Details of basement construction on plans / drawings: Basement Plan, Part Ground Floor Plan, Sections and Details (Structural) – Sheets 1 and 2.
- Site Investigation Report prepared by Ground Investigations Ireland.
- Construction and Demolition Waste Management Plan prepared by Clancy Construction.
- AA Screening Report prepared by Dixon Brosnan.
- EIA Screening Report prepared by HW Planning.

## **5.0 Responses received from parties and observers to section 131 notice**

- 5.1. Ten responses were received on foot of the circulated applicant's response. The responses also raise observations on the planning application, the subject of this LRD appeal case.
- 5.2. The third party/observer responses are summarised below.

### **Response from Rosaleen O'Connor (Appellant)**

- The LRD proposal remains unchanged in terms of size, scale, bedspace number and density. However the applicant asserts the proposed development remains acceptable in terms of scale and density; this is contradictory.
- In August 2024 Cork City Council completed its 2 year progress report which stated that the density strategy of the CCDP has proved effective and considered that the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) aligned with the CCDP.
- No variation (as of 2<sup>nd</sup> April 2026) has been drafted/adopted to give effect to the Compact Settlements Guidelines. It is highly improbable that any amendment to the CCDP would be in place by the time the Commission is due to determine this case in May 2026.
- Applicant has not provided any substantive grounds or material circumstances to justify a material contravention of the CCDP, nor demonstrated how 37(2)(b) criteria could be met.
- Comparison with the Vita Cortex case is irrelevant and misplaced. The current LRD proposal relates to student accommodation on land zoned Z01 (Sustainable Residential Neighbourhood) in an area of different residential character, density and tenure comparison.
- In terms of Material Contravention there is no conflict with Development Plan objectives or the RSES, the development is not of strategic or national importance. To suggest the proposed development should be granted permission due to Section 28 Guidelines undermines the integrity of the CCDP. Circumstances to justify a Material Contravention are not demonstrated.
- It is considered the proposed development would give rise to traffic hazard, obstruction of road users, interference with the safe and free flow of traffic on surrounding roads and residential streets. The proposal does not meet reduced parking standards for PBSA in the CCDP. The Commission's conclusion that provision of 4 parking spaces is appropriate is inconsistent with other student accommodation cases. Reference is made to a Section 5 referral concerning change of use of 20 dwellings at Drominbeg, Limerick (Ref. ABP-319535-24 refers) in which the Inspector's Report referred to demand for additional car parking and

potential for impacts on residential amenity. It is reasonable to assume that the proposed one bed studio units would appeal to older and more independent student residents and would generate car parking demand comparable to that cited in the above-mentioned case

- Objective 3.8 of the CCDP identifies sufficient and more suitable alternative locations for large scale student accommodation in specific parts of the city.

**Response from Padraig McCarthy and Penny Huggard (Observer)**

- No further information or clarification has been provided to address the Court's decision.
- The response did not address many of the items raised by the third party appeals.
- Proposed development contravenes the CCDP based on residential density grounds and overconcentration of student accommodation in the area.
- Applicant's response relies on an as yet unpublished variation of the CCDP, focussed on addressing housing supply in accordance with the NPF Implementation Guidelines, which do not mention student accommodation. The Commission cannot rely on unpublished plans or projects in making a decision on this appeal.
- Grounds of objection are reiterated as follows:
  - Overshadowing
  - Depreciation in property value
  - Injury to residential amenities
  - Deficiencies in the Sunlight, Daylight and Shadow Assessment
  - Risks of noise pollution and anti-social behaviour impacting on young family.
  - Excessive scale and height of development.
  - Design does not successfully integrate with or enhance the streetscape
  - Overdevelopment.
  - Poorly located and unusable amenity spaces.

- Proposal does not accord with the proper planning and sustainable development of the area.

### **Response from Paul Desmond (Appellant)**

- Architectural Design Statement (ADS) indicates a future access point could be developed allowing access from Woodlawn cul-de-sac to the site. This would be disastrous for Woodlawn residents in terms of noise and disturbance impacts, constant footfall and litter. Even if there is no access from Woodlawn students would attempt to use Woodlawn estate as a short-cut if staying in proposed Block B.
- ADS also indicates a similar 4-5 storey development could be constructed at the Lee Garage. This would lead to an unacceptable over-saturation of student accommodation in the area.
- Concern that a potential pedestrian/cycle connection could be developed in the Belfry cul-de-sac (if another PBSA development was built on the Lee Garage site). This would lead to similar impacts arising (noise and anti-social behaviour) for Belfry residents.
- ADS depicts differences between proposed previous and current schemes and views from Woodlawn; alterations made to the previous scheme are minimal. Views of the proposal should have been included from the back gardens of Woodlawn houses (western boundary). Overlooking impacts / loss of privacy concerns.
- Numbers 17 and 18 Woodlawn are most impacted by the proposal, which has been only slightly scaled back at second and third floors of Block B. The distance between the first two floors of Block B and numbers 17 and 18 Woodlawn remain unchanged and has a detrimental impact on existing houses.
- Light pollution near development boundaries at night from the proposed development could impact on people's sleep. Light pollution from internal rooms within the proposed development is also a concern.
- Proposed development will look out of place in an area with mostly low-rise suburban housing.

- Overshadowing concerns relating to rear gardens of houses along the western boundary of Woodlawns. Loss of sunlight to rear windows of No. 18 Woodlawns.
- There is a greater need for housing rather than student accommodation.
- The site is located mostly in the 'outer suburbs' where the prevailing density per hectare is 0-25, with an upper target of 60.
- Prevailing upper number of storeys in outer suburbs is three, with an upper target of 4 storeys.
- There are no cycle lanes between the proposed development and UCC, while there are short stretches of cycle lanes between the proposal and MTU.
- Deficiencies in footpaths in the area are highlighted.
- Proposed development relies on Bus Connects to be operational; not appropriate for the development to be reliant on a transport scheme which is not yet in place.
- Only 4 car parking spaces for staff; students / tourists (during summer) forced to park in surrounding residential estates.
- Woodlawn is used already as an overflow car park for funerals and weddings at the nearby church. This would become an everyday occurrence if permission for the proposed development was granted.

**Response from Dan and Ann Byrne (Appellant)**

- Applicant is advising the Commission to ignore the CCDP.
- Applicant has overlooked the concerns of ordinary people. Concerns raised directly with the applicant were not heard.
- Given the nature of the proposed development which relates to student accommodation, no one will be removed from the housing list.

**Response from Killian and Stephanie Kelly (Appellant)**

- The reasons for rescinding the decision are not addressed by the applicant.
- No information provided which would justify the proposed density of the development.

- The proposed development contravenes the CCDP on residential density grounds and an over concentration of student accommodation in the immediate area (Objective 11.6 of the CCDP refers). Overall quantum of PBSA proposed will result in a disproportionate number of residents in the area being students, negatively impacting the existing community. Model Farm Road is seeing a revival of families living in the area.
- Request that any potential future amendment to the current CCDP and transport proposals not presently in place do not form part of the decision.
- Commission's previous assessment did not fully address the lack of amenity space and natural light within the proposed development for 408 people. Deficient and sub-standard amenity space.
- Proposed development does not demonstrate flexibility for other more permanent residential use if student accommodation is not required.
- Lack of parking, set down areas. Concerns regarding deliveries. Poor sightlines.
- UCC and MTU have ability to provide for more appropriate on site student accommodation.
- Proposal would alter character of area and create practical problems for residents.
- Overbearing nature of proposed development. Impacts on visual amenity and living conditions of neighbouring properties.
- Cork City Council failed to address concerns raised in submissions.

**Responses from Merton MFR Management Company, Vailima Management Company, and Ann Harney and Coleman Byrne (Appellants)**

These submissions raise similar matters and may be summarised under headings as follows:

Introduction

- The applicant has not provided further information or clarification to address the Court's decision. These parties remain of the view that the proposal contravenes the CCDP having regard to density and over concentration of student accommodation in the area.

- The applicant is relying on unpublished variation to the CCDP which is focussed on addressing housing supply in accordance with the NPF implementation guidelines. They do not mention student accommodation. The Commission cannot rely on unpublished plans or projects in making a decision on this appeal.

### Density

- The applicant's submission dated 11<sup>th</sup> March 2026 has not justified the proposed density, which is considered to be excessive, inappropriate, with adopted heights being exceeded.
- Applicable density is 196 dph and materially differs from applicant's assertion of 128 dph. This density is significantly greater than prevailing densities and target CCDP densities for the area.
- Proposed density is not consistent with the density range of 40-60 dph identified as suitable for the majority of the site in the CCDP; nor is it consistent with density ranges of 50-100 dph applicable for the small section of the site located in the Inner Suburbs. In addition the density of 196 dph is a material departure from target densities in the Compact Settlements Guidelines. There is no reasonable justification for the Commission to permit such a deviation. This would render density targets in the CCDP as redundant.

### Reliance on variation to the CCDP to justify density

- Any reference to and reliance on an unpublished variation in the Commission's consideration of density would be misplaced, prejudicial, inappropriate and outside of the Commission's remit. The variation has not yet been published and does not exist within the statutory framework, which relates only to existing plans, policies and guidance.
- Applicant's reliance on the proposed variation of the CCDP cannot inform or justify the density or overall acceptability of the proposed development on appeal.
- The applicant's grounds should be set aside and consideration should be given only to those plans and policies that are in force.
- In the context of aforementioned matters, reference is made to sections 37(1)(b), 34(2)(a) and 143(1) of the Planning and Development Act 2000, as amended.

Reference is also made to a legal case, Balz and Heubach v An Bord Pleanála [2019] IESC 90.

#### Over concentration of PBSA

- PBSA report provided with the application is materially flawed and misleading.
- The applicant's defined area does not resemble a neighbourhood or accurately reflect the actual neighbourhood which the proposed development would have an impact on.
- The area already has a significant excess amount of student accommodation which are either fully operational, under construction or subject to a lawful permission.
- The proposal would result in c 66% of the local population being students.
- Over concentration of PBSA materially contravenes Policy Objective 11.6.

#### Other Development Management matters

- Proximity of the proposal to the nearest house in Merton which causes overshadowing and overlooking of garden space. Similar concerns raised regarding housing at Vailima.
- File note provided with applicant's response does not reference proximity of proposed piled foundations with houses to the north-east on Model Farm Road and north of the development including Merton.
- The proposed development, proximate to Model Farm Road, is visually obtrusive.
- Impact on Protected Structure (Catholic Church of the Descent of the Holy Spirit) which was not fully addressed in the previous assessment.
- The scale of the proposed development relative to adjoining two storey properties.
- Lack of and substandard amenity space to serve the proposed development.
- Potential summer uses of the proposed development.
- Lack of parking and set down areas.

#### **Response from Woodlawn Residents Association (Maurice Leahy) (Appellant)**

This submission may be summarised under headings as follows:

#### Density

- CCDP density targets, rather than national guidelines, are the relevant criteria for determining appropriate density.
- Any decision must be based on the CCDP as it currently stands, and not on a presumptive variation.
- Applicant's consultants refer to a decision (Ref. 323515 – Vita Cortex case) in which the Commission granted permission, materially contravening three objectives in the CCDP. No case is made as to how that decision is relevant to the current appeal, other than an example and precedent of the Commission contravening the CCDP.
- A neighbouring site to the appeal site at Dennehy's Cross (Ref-319766-24 refers) was granted permission in material contravention of the density and unit mix objectives of the CCDP. The applicant wants that trend to continue in the current application. Both of the above-mentioned applications passed through the local authority planning process without any material contravention being identified. The statutory process approving a material contravention was not implemented, thereby circumventing public notice procedures and bypassing the statutory role of elected members. Granting another permission by way of material contravention in this appeal case would render the CCDP objectives irrelevant and create precedent that developers will rely on.
- Defining a density range of 40 to 60 dph becomes meaningless if a target is exceeded by 150%. By establishing a density of 60 dph (upper limit), the CCDP explicitly identifies the threshold beyond which density is likely to become detrimental to the area's character. To interpret the meaning of 'target' as permitting unlimited discretion in relation to density targets would be clearly contrary to the intention of Councillors when the CCDP was adopted.
- The Development Plan has been described previously as an environmental contract between the planning authority and the community. In this case, the public was promised a density of 40-60 uph in the area and the public had a legitimate expectation that density policy would be applied.

Letter and attachments submitted on behalf of applicants

- This submission contains specialised geotechnical and environmental data. Expecting lay people to respond to extensive issues raised in the additional information within 4 weeks breaches fair procedures.
- The submitted documentation, while theoretically available, is inaccessible in the absence of a plain, non-technical summary, explaining risks of significant excavation. As such, an informed response is not possible.
- The documents have only been circulated to parties who appealed the decision. Therefore residents who did not participate in the appeals process are deprived of the opportunity to review and comment on the documentation concerned.
- Subsidence concerns are raised based on cursory examination of cross sections of depth of piled foundations. Other concerns relating to duration of works, noise and dust, and traffic disruption are also raised.
- The duration of works indicated as 18 months in the EIA Screening Report cannot be considered short-term or transient in the context of a quiet suburban residential neighbourhood. The report fails to assess cumulative impacts of 18 months of noise, dust and heavy machinery on local residents.
- Standard conditions relating to construction hours would be inappropriate given the extent of excavation, rock breaking and quantum of material exported. Taking photos of nearest dwellings to establish before and after situation regarding structural integrity would be inadequate.

#### Over concentration of PBSA

- A recent permission for student accommodation on Model Farm Road (ACP Ref. 500147 refers) noted that the planning authority acknowledged the CCDP does not set/define what would constitute a disproportionate proportion of student residents in the area. Therefore this must be determined by the standard of what is objectively reasonable within the geographical area. The assessment of the above-mentioned appeal appropriately had regard to CSO small area statistics. In the subject appeal case this methodology would lead to raising the proportion of student residents to 66%, which would be disproportionate and imbalanced.

#### Impacts on Daylight and Sunlight / Overshadowing impacts

- In this context, concerns raised in the appeal are reiterated.

- Houses most proximate to the appeal site are Nos. 17-22 Woodlawn. The study submitted with the application ignored Nos. 21 and 22 Woodlawn.
- Objective 11.4 of the CCDP notes that potential impacts of the proposed development and amenities enjoyed by adjoining properties will need to be assessed. The developer's consultant's study contains no analysis of what the appropriate geographical area to be examined is, in terms of defining 'adjoining properties' as required by the CCDP.
- In accordance with BRE Guide BR 209, Nos. 21 and 22 Woodlawn are within the geographical area of existing buildings that require assessment in accordance with the BRE guide. This matter requires consideration prior to decision.

#### Bats

- There is no assessment or reference on whether surveyed trees may provide opportunities for bats.
- The Dixon Brosnan Report prepared in support of AA Screening notes site surveys in April and August 2023, more than 2 years before application was lodged. The report concludes that habitats on site are of low ecological value although no evidence to support this is provided. It is queried whether a bat survey should be undertaken.

#### Other

- All grounds set out in the original appeal are relevant and remain in place.
- New information provided by the applicant is an attempt to deflect from the unacceptable scale and density of the proposal which has overbearing and overshadowing impacts and contravenes the CCDP.

#### **Response from Gerard O'Mahony (Appellant)**

This response is made up of three separate submissions which are individually summarised below.

#### Correspondence from Ensor O'Connor LLP

- The effect of the High Court Order is that the previous decision is of no legal standing.

- The quashing of a decision does not permit the reconstruction or material alteration of the application and does not allow departure from the statutory framework relating to the making and assessment of a planning application.
- The material now before the Commission demonstrates that what is under consideration is not the same development as that originally lodged. The proposal has evolved into a development of materially increased scale, incorporating extensive subterranean structures with different and potentially significant environmental, structural and legal impacts on adjoining properties. This constitutes a substantial and material alteration of the development.
- There has been no change in the relevant policy framework including the CCDP. The only material change is the introduction of significant additional material and the expansion of development. What arises is the substitution of a materially different proposal.
- The scale and nature of the subterranean structures now relied upon are such that their dimensions and precise location are essential to the proper assessment of the development and to informed public participation. These matters are integral to understanding the environmental, structural and neighbouring impacts of the proposal. Absence of this information from the application as originally lodged demonstrates the application was materially deficient and non-compliant with the statutory code.
- Subsequent introduction of this information does not remedy that defect. It is not open to the Commission to permit a fundamentally incomplete application to be retrospectively reconstructed through the submission of substantial new material. Any such course would be ultra vires, a breach of statutory procedure and contrary to proper administration of the planning code.
- The materially altered nature of the proposal gives rise to new and significant issues that have not been the subject of public participation.
- The Commission is not considering the appeal as originally lodged, but a fundamentally altered and invalid application. There is no lawful basis upon which permission could be granted. The only course open to the Commission in law is to reject the application.

Submission from B. Archer, Town Planner

*Density and Material Contravention*

- Guidance in the Compact Settlements Guidelines relating to student accommodation states that four bedspaces in shared accommodation constitutes one dwelling. That guidance does not apply to studio units, which are self-contained and not shared. This distinction is referenced in the Planning Design Standards for Apartments (2025) and the Design Guide for State Sponsored Student Accommodation (2025) which both recognise shared and studio accommodation as distinct formats.
- The application is not for shared accommodation exclusively and includes studio accommodation. Redefining a studio apartment as 0.25 of a dwelling would misinterpret the Compact Settlements Guidelines. The resultant density of the proposed development is 196 uph. The CCDP range is 40-60 uph for outer suburban areas. As such the proposed density exceeds the upper limit by more than a factor of 3, which is of such scale that it cannot be characterised as a permissible departure within the statutory and regulatory framework.
- The CCDP including the Urban Density, Building Height and Tall Building Strategy identifies areas suitable for higher densities and specific locations, where higher density student accommodation may be appropriate, distinguishing them from areas such as Model Farm Road where such development is not envisaged.
- The proposal does not constitute a permissible variation from the CCDP, but rather a direct conflict with its core strategy.
- Statutory power to permit a material contravention cannot be lawfully exercised to displace the plan led approach in its entirety. Any such approach would subvert the role of elected members.

*Development Plan compliance and prevailing character*

- Paragraph 11.72 of the CCDP requires that both density targets and prevailing character be considered. The proposed development fails on both counts.
- The scale and massing along with density result in a form that is materially inconsistent with the prevailing character of the area.

- The relationship with the adjoining residential properties (including No. 19) demonstrates a substantial and over bearing impact.
- The proposal would create a stark visual contrast that is materially inconsistent with the pre-existing character of the neighbourhood.
- Model Farm Road is not identified as an area under the CCDP's Urban Density, Building Height and Tall Building Strategy.

#### *Status of Section 28 Guidelines*

- The Compact Settlement Guidelines do not displace the CCDP; where no SPPRs apply, the CCDP prevails.
- The City Council already considered these Guidelines in its statutory two year review and determined that no variation was required.
- Policy and Objective 3.3 of the Guidelines makes clear that residential density ranges are recommended rather than mandatory. They state that when applying the policies and objectives of the Guidelines to density in preparation of Development Plans that it is for the planning authority to determine the appropriate density range for the particular area. It is also stated that density ranges should be considered and refined based on factors including character of the area and surrounding built environment.
- The position is more nuanced than the applicant implies and does not set aside the statutory functions of the City Council in terms of appropriate density ranges for different areas.
- One of the primary criteria in the adopted methodology for determining sustainable locations for density was access to public transport including high frequency bus services.
- The Commission is obliged to consider the CCDP and not disregard it. The Development Plan prevails where there is a conflict between its provisions and Section 28 Guidelines which an SPPR does not underpin.
- The applicant's reliance on Guidelines as a basis to over-ride the CCDP is misplaced.

#### *Reliance by applicant on previous Cork City Council and Commission decisions*

- Both decisions relating to the subject proposal are null and void. A quashed decision is no longer valid.

#### *Material Contravention*

- Applicant's agent belatedly accepts that a material contravention may have arisen.
- No substantive planning rationale or justification is provided to justify a material contravention of the CCDP save for a generic reference to quality and unspecified provisions of the 2024 Guidelines.

#### *Vita Cortex appeal as referred to by applicant*

- The Vita Cortex site is on the other side of the city and its zoning, density provisions and applicable objectives in the CCDP are not comparable to the subject appeal site.
- A decision by the Commission in relation to the current application which relies on the decision referred to by the applicant (Ref. 323515 refers) would be ultra vires.

#### *Subterranean Structures / Validity of the planning application*

- The assertion that the drawing of the subterranean structures as lodged with the application complied with the Planning and Development Regulations 2001 as amended is fundamentally flawed.
- Submitted drawings and engineering details with the applicant's response confirm the presence of subterranean structures, including reinforced concrete basement, piled foundations and excavations (1580 cubic metres). These are not minor elements and their scale, location and interaction with ground conditions make them integral to the proposed development. Their dimensions and location were essential information requirement at lodgement of the application to enable proper assessment and public participation.
- The application was materially deficient and this defect is not capable of being cured by this subsequent submission of drawings or by an engineering opinion. The absence of a detailed site specific assessment at application stage precluded any proper evaluation of impacts. This neighbourhood has complex ground conditions and history of subsidence. The attached extract of the GSI Report identifies the site as being within a zone of ground instability in Cork city. Evidence

of repairs to two houses to the east of the site, following an escape of water / subsidence is also provided as is a recent quote from an insurance company to the appellant confirming they have excluded subsidence cover for the area.

### *EIA Screening*

- The revised screening report relies on non-specific mitigation measures and provides insufficient detail.
- Excavation of c 1850 cubic metres along with piling and basement construction raises issues of groundwater management, dewatering, structural stability and potential subsidence.
- The report does not adequately assess construction methodology, groundwater flow impacts, site specific groundwater conditions and cumulative impacts over the extended construction period.
- Insufficient information is provided to exclude all doubt as to the effect of the proposed development on the environment.

### *Public participation / Procedural compliance*

- Materially altered nature of the proposal including density and introduction of significant subterranean structures gives rise to new information and issues not subjected to public participation.
- The public have not had an opportunity to consider or make submissions on the development as it now stands. This is a breach of fair procedures.

### *Cumulative Assessment*

- Excessive density, scale and massing of development, introduction of subterranean structures all give rise to a development materially different in scale, intensity and environmental impact than originally presented.
- The cumulative impact alters the character and impact of the proposed development. Proposed development is a materially different proposal.
- There is an absence of lawful and required public participation in respect of the development as it now stands.

### *Conclusion*

- No adequate rationale is given for materially contravening the CCDP.
- Material contravention would set aside adopted density policies of the CCDP, undermine core strategy and emasculate the role of elected members.
- The degree of departure in the current case from the CCDP is fundamental and no lawful basis is identified to justify such a departure.
- Granting permission for a density three times that prescribed in the CCDP would render the density range of 40-60 dph as set out in the CCDP meaningless.
- The application is materially deficient, inconsistent with the CCDP and fails to comply with statutory requirements governing planning applications and public participation.
- Omission of essential information at lodgement of the application renders it invalid and incapable of lawful determination.
- Proposed development is inconsistent with the proper planning and sustainable development of the area.

Appendix 1: Density and Height guidance from the CCDP 2022-2028.

Appendix 2: Extract from 2 Year Progress Report.

Appendix 3 Methodology for determining sustainable location for density (CCDP 2022-2028).

Appendix 4: GSI Report extract; Correspondence from insurance companies relating to repairs undertaken to two houses east of the site (20 and 21 Woodlawn) following an escape of water; copy of recent insurance quote issued to appellant in respect of No. 19 Woodlawn which states the property is within an area at risk of subsidence and that the quote excludes cover for subsidence.

Letter from Barden Chapman Consulting Engineers to Gerard O' Mahony

This may be summarised as follows:

- Applicant failed to submit a Basement Impact Assessment (BIA) with the planning application and appeal, which is a fundamental omission.

- Consulting Engineers File Note provided is not a BIA and does not approximate to a hydrogeological impact assessment, a Construction Method Statement, vibration or monitoring strategies and risk identification/residual risk analysis.
- No slope stability assessment is provided. The characterisation of works as low vibration is not supported by any analysis.
- Piling strategy introduces a vibration and ground disturbance pathway which is not assessed.
- The document states the proposed basement is located approximately 10m from the western boundary, while the conclusion states it is located in excess of 35m from the western boundary.
- Properties in the immediate vicinity are sensitive to subsidence and insurance cover for subsidence related damage is not available.
- No hydrogeological assessment has been provided.
- The matters raised in the File Note constitute a material alteration.
- Failure to submit a BIA has resulted in a clear denial of fair procedures.
- It is not open to ACP to defer assessment of these matters to a later stage or to seek to address them by way of condition.

## 6.0 **Assessment**

- 6.1. At the outset of this assessment I note that all of the submissions received from the third party appellants and an observer reiterate multiple grounds of appeal that have already been addressed within the Inspector's Report dated 15<sup>th</sup> May 2025, previously prepared in connection with this proposed development (ABP Ref. 321978-25 refers). Where responses to the information circulated raise new matters, or where it is considered that further assessment is required of certain matters already raised, these are examined below.
- 6.2. Having examined the applicant's response to the Article 73(1)(a) notice and also the submissions and observations received by the other participants to the appeal, I

consider the substantive issues to be considered are as follows:

- Density
- Construction of Basement
- Concentration of student accommodation
- Impact on residential amenity
- Impact on character of the area
- Transportation considerations
- Other matters
- EIA
- Appropriate Assessment

### 6.3. Density

- 6.3.1. Third party submissions note that there is no change to the density of the proposed PBSA development, and a number of appellants disagree with how the density of development has been calculated. It is contended that the proposed density is excessive and above target densities for the area by a factor of 3, and would materially contravene the CCDP 2022-2028.
- 6.3.2. Map 8 of Volume 2 of the CCDP 'Density and Heights,' demonstrates that the majority of the appeal site is located within the 'Outer Suburbs' while a portion of the site is within the 'Inner Urban Suburbs.' Table 11.2 'Density and Building Heights Strategy' of the CCDP provides a lower and upper density target of 40 uph and 60 uph respectively for Outer Suburbs, with respective lower and upper target densities of 50 uph and 100 uph identified for 'Inner Urban Suburbs.'
- 6.3.3. The CCDP 2022-2028 seeks to increase densities where appropriate. Section 10.355 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.' I note third party submissions state it is not appropriate for the development to be reliant on a transport scheme / proposal which is not yet in place and that such proposed/planned schemes should not be considered. In this regard I note that the Cork Metropolitan Area Transport Strategy (CMATS) identifies existing

bus routes 205 and 208 serving the site and the wider area as currently featuring high frequency services. In my view, it is entirely appropriate and necessary from a planning perspective to have regard to future planned transport services in the area to ensure appropriate development happens in the right location. In this context the site will directly adjoin the proposed Bus Connects Sustainable Transport Corridor (STC) E which is being developed in consultation with Bus Connects to support modal shift from cars to public transport and active travel. It is noteworthy and relevant that the proposed Luas Cork route to run from Ballincollig to Mahon Point has recently been published and that Stop 12 is located at Dennehy's Cross, approximately 280m east of the appeal site.

- 6.3.4. At the outset it is appropriate that the fundamental question concerning the methodology of density calculation for the proposed development, which seeks to provide 408 bedspaces, be addressed. The bed spaces would be provided through individual rooms in 14 clusters (containing between 3 and 7 bed clusters) and 73 studios (with a bed space, kitchen space, study space and enclosed bathroom). In this regard, I note that the CCDP 2022-2028 at section 3.42 supports the provision of studios as part of a range of PBSA types within any such development, and recommends 'that developments should incorporate cluster flats, studios, disability flats with size variations within any floorplate design.' The CCDP does not, however, provide information on density calculation for PBSA schemes.
- 6.3.5. An appellant refers to the Planning Design Standards for Apartments Guidelines for Planning Authorities (2025) and the Design Guide for State Sponsored Student Accommodation (2025) stating that these guidelines both recognise that shared and studio accommodation are distinct forms of student accommodation. As such, the appellant's view is that the student accommodation guidance contained within the Compact Settlements Guidelines 2024 that four bedspaces in shared accommodation constitutes one dwelling (Footnote 3 of section 3.2.1 refers), does not apply to studio units, which are self-contained and not shared.
- 6.3.6. Section 5.2 of the 2025 Apartment Guidelines relates to PBSA, however as I have outlined in section 3.3 of this report, these are not applicable the subject appeal. They only apply to any application for planning permission and to any subsequent appeal

or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e., from 9<sup>th</sup> of July 2025.

- 6.3.7. *The Design Guide for State Sponsored Student Accommodation 2025* reflects guidance on new design standards for state-sponsored on-campus student accommodation which will also inform that of off-campus PBSA schemes led by the private sector. This Guide refers to different types of student accommodation including twin/double/accessible room/studio but primarily focuses on cluster design whereby a number of study-bedrooms are grouped together sharing a kitchen, living and dining area. Section 1.1 of the Guide states that it is an iterative document and will be extended to include standards relating to other design considerations e.g. guidance on Studios as a typology. I note that the Guide does not provide clarity on density calculation for PBSA schemes.
- 6.3.8. In terms of the proposed development, I note that each studio unit would accommodate one bed space to provide temporary accommodation for students during the academic year. In this regard it is important to bear in mind that the studios are not required to meet the same size and orientation standards required for studio units in an apartment scheme, which would be occupied on a permanent basis. Having regard to the foregoing, and given the absence of guidance regarding density calculations for PBSA schemes in the CCDP 2022-2028 and Design Guide for State Sponsored Student Accommodation, I consider it reasonable and appropriate to have regard to Footnote 3 of section 3.2.1 of the Section 28 Compact Settlements Guidelines in terms of the calculation of density for this PBSA scheme, which states that 'When calculating net densities for shared accommodation, such as student housing, four bed spaces shall be equivalent of one dwelling.' On this basis, the proposed development of 408 bed spaces would yield a density of 127.5 uph which would, in my view, appropriately reflect the density of the proposed development on the subject site.
- 6.3.9. As set out under 5.3.3 above the majority of the subject site is located within the Outer Urban Suburbs while a portion of the southern part of the site is within the Inner Urban Suburbs. Lower and upper Outer Suburbs density targets of 40 uph and 60 uph apply as do Inner Urban Suburbs lower and upper target densities of 50 uph and 100 uph.

6.3.10. The proposed density of development is calculated at 127.5 uph. This is 27.5% above the upper target density range for Inner Urban Suburbs (South-west corridor) and 67.5% above the upper target density range for Outer Suburbs as referenced in the CCDP. As such, I consider the proposed density to give rise to a material contravention of Table 11.2 of the CCDP 2022-2028.

6.3.11. I advise the Commission that if it is minded to grant permission for the proposed development, it may do so having regard to section 37(2)(a) of the Planning and Development Act 2000, as amended, and I recommend that this provision be invoked on the following basis:

- The density of the proposed PBSA scheme complies with the requirements of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities in which Table 3.1 confirms that residential densities in the range up to 250 uph (net) shall generally be applied in City-Urban Neighbourhoods of Dublin and Cork, while densities of up to 150 uph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.
- The site which is presently served by high frequency bus routes (205 and 208 routes) will have direct access and proximity to BusConnects Sustainable Transport Corridor (STC) E route (Ballincollig to City) running along the northern boundary of the site.
- The recently proposed preferred Luas Cork route which will run proximate to the site.
- The design and layout of the proposal has considered the impact of the proposed development on the residential amenities of dwellings within the immediate area of the subject site.
- There is sufficient water supply capacity and wastewater treatment capacity available in the area to serve the proposed development.
- Having regard to national policy for the provision of additional PBSA as outlined in the National Planning Framework (First Revision) (2025) and Delivering Homes, Building Communities (2025).

6.3.12. A number of third party submissions consider that a material contravention of the CCDP should not / cannot lawfully occur on the basis that this would displace the planned approach, subvert the role of elected members, render the objectives of the CCDP 2022-2028 irrelevant, undermine the core strategy and create precedent. I note however, that it is open to the Commission, having regard to Section 37(2)(a) of the Planning and Development Act 2000, as amended, to materially contravene the CCDP and permit the proposed PSBA scheme. I have outlined reasons above as to why I consider this course of action to be appropriate in this particular case. The Planning and Development Act 2000, as amended, allows the Commission to contravene the CCDP in specific circumstances and this provision is a long-standing part of the planning system.

6.3.13. As set out in the Inspector's Report previously prepared in respect of ACP-321978-25, dated 15<sup>th</sup> May 2025 relating to this proposal, there is no evidence that demonstrates the proposed development would exceed the overall target of 3,500 student bedspaces (as outlined in Table 3.6 of the CCDP) or that the number of residential units set out in the core strategy for the south western city suburbs would be surpassed as a result of the proposed development. In terms of the issue of precedent raised by an appellant, I consider that each planning application must be assessed and considered on its own merits.

#### **6.4. Construction of Basement**

6.4.1. Third party concerns are raised regarding the proposed basement level and there is criticism that the additional details supplied by the applicant in response to the Article 73(1)(a) notice should have been provided with the LRD application. These matters of objection are set out in detail in the submissions made on behalf of Gerard O'Mahony, as outlined under section 4.2 above, which includes correspondence from a firm of Consulting Engineers critical of the applicant's File Note and associated attachments.

6.4.2. At the outset I do not accept the appellant's contention that the material submitted by the applicant in response to the Article 73(1)(a) is not the same development as that which was originally submitted to the planning authority, on the basis that the proposed basement is of materially increased scale. This is not the case.

- 6.4.3. The proposed basement will accommodate a tank room and a plant room. It measures approximately 90sqm on the submitted Basement Plan, which is an increase of approximately 6sqm when compared to that proposed on drawings submitted with the planning application. I do not consider this to be a significant or material increase in floor area. Basement depth is given as 3.4m below ground level. The applicant's consulting engineers anticipate that approximately 1,850 cubic metres of material will be excavated during the construction of the basement, with the rock component estimated to account for circa 90 cubic metres of the total volume. Section 3.2 of the AA Screening provided by the applicant as part of its response to the Article 73(1)(a) notice notes that all substructures are to be founded on the underlying bedrock, whether directly onto the rock itself via trench fill lean mix or by way of bored piles socketed into the bedrock.
- 6.4.4. It is not unusual for further information to be submitted during the course of a planning application. In this case, the applicant was afforded the opportunity to make submissions on the remitted planning application under Article 73(1)(a) of the Regulations, and did so. The submitted information was duly circulated to all third party appellants and observers in the interests of justice, and responses were received from 10 participants, as outlined above.
- 6.4.5. There is criticism that the applicant has failed to provide a number of studies including a Basement Impact Assessment (BIA), a slope stability assessment and a hydrogeological assessment. I note, however, that there is no fundamental requirement in either the CCDP 2022-2028 or the Planning and Development Regulations 2001, as amended, for such assessments to be provided with a planning application.
- 6.4.6. I advise the Commission that an incorrect scale of 1:100 is given on the Basement Plan and that the correct scale is in fact 1:200. In terms of separation distances to site boundaries, the proposed basement is c 37m from the eastern boundary with Woodlawn and c 10m from the western site boundary with the Lee Garage. Separation distances to the northern and southern boundaries, distances of c 70m and c 56m apply respectively.

- 6.4.7. The applicant has resubmitted the Ground Investigation Report provided as part of its response to the appeal. This report notes that a number of detailed site investigations were undertaken to examine subsurface conditions, including rotary boreholes and trial holes. Five trial pits were excavated at various locations across the site (see Figure 1 in Appendix 1). These were sampled, logged and photographed prior to backfilling and trial pit records are contained in Appendix 2. No groundwater was encountered in any of the trial holes and the trial pits were stable. Groundwater Monitoring Installations / standpipes were installed in boreholes 1 and 4 to determine the groundwater level. Borehole depths are given as between 7m and 13m. Appendix 6 notes that boreholes 1 and 4 were dry. Rotary borehole logs are provided in Appendix 3 of the report.
- 6.4.8. Having regard to the foregoing it is apparent that significant site testing has been undertaken on the subject lands. It has been concluded that the sequence of strata/layers across the site is relatively consistent and comprises topsoil, made ground, cohesive deposits and bedrock. The rotary core boreholes recovered weak to medium strong light grey fine grained limestone. The depth to rock varies from a minimum of 2.60m below ground level (in Borehole 2) to a maximum of 10.00m below ground level (in Borehole 3). The report notes that piled foundations may be more appropriate for the proposed design and that the types, size and depth of the pile foundations should be confirmed by a specialist piling contractor.
- 6.4.9. Excavation of basements forming part of a development is not unusual in urban areas. I note the concerns raised by third parties regarding the potential for subsidence and the contention that the site and adjoining area are located in an area prone to subsidence. I also acknowledge the submitted correspondence from insurance companies relating to repairs undertaken to two houses east of the site (numbers 20 and 21 Woodlawn) and a copy of recent insurance quote issued to the appellant in respect of number 19 Woodlawn, which states the property is within an area at risk of subsidence and that the quote excludes cover for subsidence. It would appear from the submitted correspondence that subsidence may have occurred in the above-mentioned properties arising from a possible escape of water / water leakage from the external drainage system. Notwithstanding, there is no indication that proposed development works on the appeal site would cause subsidence impacts. The site

investigations undertaken by the applicant do not suggest that sub-structure works would adversely affect any adjoining properties. I also note the significant separation distance between the proposed basement and site boundary to the east of c 37m with Woodlawn.

6.4.10. The appellant has included a partial extract from a 2013 Geological Survey of Ireland (GSI) Report which they state identifies the site as being within a zone of ground instability in Cork city. The extract notes that ground instabilities affect parts of Cork city and the GSI has developed a map and report as part of the FP7 Pan Geo project which indicates and describes areas of potential or observed ground instabilities. The report's Executive Summary notes that 'The largest area of potential instability is associated with the pure limestones which have the potential to give rise to instabilities associated with ground dissolution. In total 25.31 sq. km of the area (40 sq.m km) is adjudged to have potential or observed ground instabilities.' It goes on to state that the map and report are broadly indicative of areas of terrain instability and have been produced using a wide variety of data sources with different levels of reliability. It is confirmed that the data should never be used for site specific purposes, and that the entire dataset is designed for general information and strategic planning usage.

6.4.11. I note the caveats relating to usage of the data, as outlined in the GSI report extract submitted by the appellant. It is very clear that the data is not, under any circumstances, to be used for site specific purposes and as such I consider that application of the data sets to the subject site would be inappropriate and flawed. The data is designed only for general information and strategic planning usage. In this context I note that the site is suitably zoned as 'ZO1 – Sustainable Residential Neighbourhoods' in the CCDP 2022 – 2028 and student accommodation is a residential use acceptable in principle on such zoned lands. I also note the recent residential developments of Vailima and Merton completed in the immediate vicinity of the site.

6.4.12. Having regard to the foregoing, and the content of the File Note from the applicant's Consulting Engineer's, it is possible to make a reasoned and informed conclusion that the construction of the proposed development would not cause subsidence impacts. Should the Commission decide to grant permission for the proposal I recommend

inclusion of a suitable condition for the carrying out of a pre-commencement photographic survey of boundary conditions and the condition of adjoining property and completion of a similar survey upon completion.

- 6.4.13. Given the nature of the proposed development and noting the concerns raised relating to noise and vibration impacts I recommend that a condition be included requiring the developer, prior to commencement of development, to submit for the written agreement of the planning authority, a Construction and Environmental Management Plan (CEMP) relating to noise and vibration. The CEMP should include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. Further, the condition would require the CEMP and noise abatement measures to comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

#### **6.5. Concentration of student accommodation**

- 6.5.1. A number of third parties restate their concerns that the proposed PBSA scheme would lead to an over concentration of student accommodation in the area, therefore negatively impacting the existing community. In this context it is contended that the proposal would materially contravene Objective 11.6 of the CCDP which requires, inter alia, that PBSA development does not result in a neighbourhood with a disproportionate proportion of residents being students.
- 6.5.2. I refer the Commission to section 8.8 of the original Inspector's Report (ABP-321978-25) relating to the proposed development, which has examined and assessed the issue of concentration of student accommodation in the area. Section 8.8 outlines the locations of existing PBSA schemes along with extant permissions for student accommodation in the wider area. I note that a recent student accommodation scheme comprising 170 bed spaces was permitted at Bishopstown House, Model Farm Road in Cork city, located approximately c 1.2km west of the appeal site, as the crow flies, (ACP Ref. PL-500147-CC refers).
- 6.5.3. As set out in section 8.8 of ABP-321978-25, the Student Accommodation Demand and Concentration Report provided with the application examines a study area comprising

43 Small Areas (based on the Census 2022 Small Areas) within a 1 km radius of the site. It finds that 24% of people living within 1 km of the site would be students following completion of the proposed development. This compares with 22% in 2022 based on the Census 2022 Small Area Data. In terms of the particular Small Area, where the proposed development would be located (identified as Small Area No. 19 in the report, which relates to Census 2022 Small Area Ref. 048008001), delivery of the proposed development would increase the percentage of students in this area from 12% to 63%, resulting in the wider study area's student concentration increasing to 24%, as identified above. CSO Small Areas are primarily used for administrative and statistical purposes and I remain of the view that the proposed increase of 2% in the student population in the wider neighbourhood (that is, within a 1km radius of the appeal site) is the more relevant and realistic statistic.

6.5.4. Having regard to the foregoing, I am satisfied that the proposed development complies with Objective 11.6 of the CCDP. Within this wider neighbourhood there is a wide range of housing types and diversity in the population and I remain satisfied that the proposed PBSA scheme would not result in a neighbourhood with an imbalanced community or adversely affect community cohesion.

## 6.6. Impact on residential amenities

6.6.1. Third parties have reiterated concerns in terms of the proposed development and impacts on residential amenities. The majority of the matters raised in this regard in the submissions received have already been examined and assessed in sections 8.4 and 8.9 of the original Inspector's Report (ABP-321978-25 dated 15<sup>th</sup> May 2025 refers) relating to the proposed development, as follows:

| Issue raised                                 | Relevant Section of ABP-321978-25 |
|--|-----------------------------------|
| Residential Amenity                          | 8.4                               |
| Overbearance                                 | 8.4.2 to 8.4.5 inclusive          |
| Potential for Overlooking                    | 8.4.6                             |
| Overshadowing, Loss of Daylight and Sunlight | 8.4.7 to 8.4.16 inclusive         |
| Noise and Anti-Social Behaviour              | 8.4.17 to 8.4.22                  |
| Devaluation of property                      | 8.9.17 to 8.9.18 inclusive        |
| Potential for light pollution                | 8.9.1                             |

- 6.6.2. I note reference is made in submissions to deficiencies in the report relating to overshadowing provided with the planning application, that the study ignores numbers 21 and 22 Woodlawn and that there would be a loss of sunlight to the rear windows of number 18 Woodlawn.
- 6.6.3. A comprehensive 'Sunlight, Daylight and Shadow Assessment' is provided with the application, which assesses potential impacts on residential development proximate to and adjoining the appeal site, including houses at Woodlawn. I note that numbers 21 and 22 Woodlawn do not in fact adjoin the site of the proposed development. The rear gardens of both these properties adjoin the site that accommodates Laburnum House B& B, to the east of the appeal site. As such, no overshadowing impacts to the rear of these houses from the proposed development would be expected to occur and therefore assessment of this issue in the overshadowing study is not required.
- 6.6.4. A submission considers that the proposed development would lead to a loss of sunlight to rear windows of No. 18 Woodlawn. This property, along with numbers 16, 17, 19 and 20 Woodlawn belong to Neighbourhood Group B3, which are assessed in the Sunlight, Daylight and Shadow Assessment which finds that the existing houses adjoining the proposed development will retain appropriate levels of daylight and sunlight and will not suffer from negative impacts as a result of the development.
- 6.6.5. A third party submission considers that the proposed development would have an overbearing impact on No.19 Woodlawn. Having examined the site layout plan of the proposed development relative to this residential property I note there are no built structures immediately to the rear of No. 19, with separation distances from that property to the proposed development approximately 40m. As such, I do not foresee the proposed development having an overbearing impact on No. 19 Woodlawn. In this context, I consider that the proposed development accords with the CCDP Policy ZO 1.1 which seeks to protect residential uses and residential amenity within residential neighbourhoods.

## **6.7. Impact on character of the area**

- 6.7.1. A number of submissions contend that the scale, height, massing and design of the proposed development does not align and is materially inconsistent with the character

of the area. These matters are considered and addressed throughout section 8.3 of the of the original Inspector's Report (ABP-321978-25 dated 15<sup>th</sup> May 2025) which relates to the proposed development. As noted therein, this part of the city is undergoing transition as evidenced by new 2-3 storey residential development on the northern side of Model Farm Road proximate to the appeal site and the now permitted 5 storey mixed-use development to the east of the site on Model Farm Road at Dennehy's Cross (Ref. ABP-319766-24 refers). I also note the significant height of the landmark building that is the Church of the Descent of the Holy Spirit located further east of the appeal site. The area has seen the introduction of a variety of building types / uses and designs and the proposed development continues the evolution of the area. In my opinion the proposed development respects the character of the neighbourhood where it is proposed, and as such aligns with Policy ZO 1.2 of the CCDP.

## **6.8. Transportation considerations**

- 6.8.1. A number of submissions raise concerns regarding transportation matters. It is contended that 4 parking spaces is insufficient to serve the proposed development, a lack of set down areas, that sightlines are poor and that the proposal would give rise to a traffic hazard.
- 6.8.2. Section 8.6 of the original Inspector's Report (ABP-321978-25 dated 15<sup>th</sup> May 2025) deals with transport considerations, and the quantum of car parking provision is examined in sections 8.6.2 to 8.6.4 inclusive. I note that a third party compares the parking space quantum with that in a proposed student accommodation development in Limerick city. I note however the differing site contexts and the different Development Plan requirements in terms of car parking standards. Section 8.6.8 and 8.6.9 of the previous Inspector's Report (ABP-321978-25 dated 15<sup>th</sup> May 2025) relates to the DMURS compliance, site access, traffic movements and sightlines.
- 6.8.3. In terms of concerns raised regarding potential for students and tourists (in the summer) to park their vehicles in nearby residential areas, the Mobility Management Plan provided with the planning application sets out the available travel options in the area for prospective residents. In this regard, it is clear that the subject site is well located, less than 3km from the city centre and proximate to both UCC and MTU. Students, staff and visitors to the facility will be actively encouraged to use sustainable

modes of transport and proactive promotion and marketing of sustainable travel choices will be undertaken. A Travel Plan Coordinator / Mobility Manager will be appointed to project manage the delivery of the Mobility Management Plan, to be reviewed on a regular basis with data provided to the planning authority including compliance with agreed overall modal shift targets. In my opinion the measures as set out in the Mobility Management Plan along with the requirements for proactive management and the carrying out of regular reviews as outlined above will encourage all users of the facility to use sustainable transport options rather than the private car.

6.8.4. **Other matters**

6.8.5. Duration of construction period

6.8.6. Concern is raised regarding the 18 month duration of the construction period and associated impacts including noise from heavy machinery and dust.

6.8.7. The anticipated 18 month period of construction would be typical for a development of the nature and scale proposed. Construction stage impacts will be mitigated through appropriate construction practices and in accordance with a detailed Construction Management Plan to be provided prior to commencement, as outlined in proposed Condition 22 below. As referred to in section 5.4.13 above, I have recommended that a CEMP is provided to specifically address noise and vibration impacts which may arise during the course of the construction process (proposed Condition 23 refers) should the Commission consider a grant of permission.

6.8.8. Potential future linkages to adjoining lands

6.8.9. A submission raises concerns regarding potential future linkages from the site into adjoining lands at Woodlawns to the north and also Lee Garage lands to the south, as referenced in the Architectural Design Statement provided with the planning application. I note that the LRD application does not include any proposals to develop any accesses into adjoining lands from the proposed development site.

6.8.10. Amenity spaces

6.8.11. Concern is raised regarding the lack of and standard of proposed amenity spaces to serve the proposed PBSA scheme. Section 8.4.23 to 8.4.31 inclusive (relating to Residential Standards of the Proposed Development) of the original Inspector's Report (ABP-321978-25) provides information on and assesses the proposed external amenity spaces and internal amenities. It finds that the proposed development provides for a good standard of amenity for future residents of the PBSA scheme.

6.8.12. Impact on Protected Structure

6.8.13. Concern is raised regarding the impact of the proposal on the Protected Structure, the Church of the Descent of the Holy Spirit, located east of the subject site and beyond the Woodlawn residential development. This matter is examined in the original Inspector's Report relating to the proposed development, in the context of impact on visual amenity and the information provided in the submitted LVIA (see section 8.3.11 onwards), and concludes that there is no negative impact on the church arising from the proposed development.

6.8.14. Locations in Cork city for PBSA developments

6.8.15. A number of submissions contend that the location of the proposed development on Model Farm Road is not supported/envisaged by the CCDP, which identifies alternative areas in the city for such development. However, I note that Objective 3.8 of the CCDP seeks to provide PBSA '...in locations accessible to higher-level education campuses by walking, cycling or public transport, and ideally in the City Centre, City Docks, urban centres and mixed use redevelopment schemes of brownfield sites..' Further, Section 11.81 of the CCDP states that both UCC and MTU are located in the Cork City Suburbs and as such, this sub-area will need to accommodate studios / purpose built student accommodation to ensure supply targets are met during the Plan period. Having regard to the foregoing I am satisfied that the CCDP envisages PBSA developments in suburban areas of the city, such as Model Farm Road.

6.8.16. Bats / Site surveys

6.8.17. The applicant has confirmed that the project ecologists did not raise any possible locations for bat roosts on foot of the walkover surveys. While there may be bats in the area, no evidence has been provided which indicates the presence of bats roosts at the subject site. This matter is considered in the original Inspector's Report (ABP-321978-25 dated 15<sup>th</sup> May 2025 refers) relating to the proposed development, at section 8.9.2.

6.8.18. A third party incorrectly states that site surveys were undertaken more than two years before the planning application was lodged. In fact, the AA Screening reports confirm that site walkover surveys were carried out in March 2023 and August 2023 and I note the planning application was submitted to the planning authority on 3<sup>rd</sup> December 2024.

6.8.19. Development type proposed

6.8.20. A submission makes the point that the construction of houses, rather than student accommodation, is needed and that the proposed development would not lead to a reduction of people on the housing list. However as outlined in *Delivering Homes, Building Communities 2025-2030 – An Action Plan on Housing Supply and Targeting Homelessness* increasing the supply of student specific accommodation will actually reduce reliance on the private rental market, thereby increasing housing availability for families and other individuals. This would potentially have a knock on effect in terms of reducing the number of persons and families on the housing list.

## 7.0 AA Screening

7.1. I have considered the proposed PBSA development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report was prepared by Dixon Brosnan Environmental Consultants, dated November 2024, on behalf of the applicant. Having regard to the additional design information relating to basement construction and foundations provided on foot of the Article 73(1)(a) notice the AA Screening report has been reconsidered, and a revised report prepared by Dixon Brosnan Environmental Consultants, dated March 2026 is submitted. Section 3.2 of the revised AA Screening report states that an anticipated 1,850 cubic metres

of material will be excavated during construction of the basement. All substructures are to be founded on the underlying bedrock, whether directly onto the rock itself via trench fill lean mix or by way of bored piles socketed into the bedrock.

7.2. The objective information presented in that report informs this screening determination.

### 7.3. **Overall Conclusion – Screening Determination**

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that 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 as amended is not required. This conclusion is based on:

- Objective information presented in the revised AA Screening Report.
- Location-distance from nearest European site and lack of any direct connections.
- Absence of any meaningful pathways to any European Site.
- Standard pollution controls that would be implemented regardless of proximity to a European Site and effectiveness of these.
- Taking into account the conclusion of the Appropriate Assessment Screening undertaken by the planning authority.

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

Full details of my assessment are provided in Appendix 3 attached to this report.

## 8.0 **EIA Screening**

8.1. This application was submitted to An Bord Pleanála (now An Coimisiún Pleanála) after the 1<sup>st</sup> of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

- 8.2. An EIA Screening Report was prepared by HW Planning, dated November 2024, on behalf of the applicant. Having regard to the additional design information relating to basement construction and foundations provided on foot of the Article 73(1)(a) notice the EIA Screening report has been reconsidered, and a revised report prepared by HW Planning, dated March 2026 is submitted which includes Schedule 7 information, and I have had regard to same. Furthermore a revised Construction and Demolition Waste Management Plan has been provided by the applicant.
- 8.3. Section 2.1 of the revised EIA Screening Report describes the nature of the proposed development and the period of construction is anticipated to be 18 months. It also states that an anticipated 1,850 cubic metres of material will be excavated during construction of the basement. The basement will be of reinforced concrete construction, including a basement floor slab, perimeter retaining walls and a reinforced concrete slab and beams at ground floor to support the light gauged steel framed superstructure.
- 8.4. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size at 0.8 hectares, the number of units proposed and that the demolition of the building on the site, formerly used as a convent and nursing home, is not likely to have a significant effect on the environment. The EIA Screening Report considers that the proposal, inclusive of above and below ground works is unlikely to give rise to significant environment effects, and as such a formal EIAR is not required.
- 8.5. The following classes of development as set out in the Planning and Development Regulations 2001 as amended are relevant to the proposal:
- Class 10(b)(i) construction of more than 500 dwelling units,
  - Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district\*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- \*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

- Class 14 of Schedule 5 relates to demolition works undertaken to facilitate any project listed in Part 2 of Schedule 5 where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

8.6. The proposed development is sub-threshold in terms of mandatory EIA requirements arising from Class 10(b)(i) and / or (iv) and Class 14 of the Planning and Development Regulations 2001 as amended. The criteria as set out in Schedule 7 are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment and should be the subject of EIA. The criteria include the characteristics of the proposal, the location of the site, and any other factors leading to an environmental impact.

8.7. I have completed an EIA screening assessment and determination as set out in Appendix 1 and 2 of this report. I have concluded that the proposed development would not be likely to have significant effects (in terms of extent, magnitude, complexity, probability, duration, frequency, or reversibility) on the components of the environment and that the preparation and submission of an Environmental Impact Assessment Report is not therefore required.

8.8. The proposed development does not meet the threshold for a mandatory EIA as per Schedule 5 of the Regulations. In undertaking the EIA screening assessment and determination, I have had regard to the submitted EIA screening report and the various reports submitted with the application which address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and it is demonstrated that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application.

8.9. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not

required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application and the revised EIA Screening Statement submitted by the applicant as part of the response to the Article 73(1)(a) notice.

## 9.0 Recommendation

9.1. I recommend that permission is granted for the LRD as proposed for the reasons and considerations set out below, and subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the following:

- (i) the provisions and policies of the Cork City Development Plan 2022-2028,
- (ii) the zoning objective 'ZO1-Sustainable Residential Neighbourhoods,' with a stated objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses,'
- (iii) the National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,
- (iv) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness – November 2025 issued by the Government of Ireland,
- (v) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (vi) the Urban Development and Building Heights – Guidelines for Planning Authorities (DoHPLG, 2018),
- (vii) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (viii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (ix) the Design Guide for State Sponsored Student Accommodation (Department of Further and Higher Education, Research, Innovation and Science, 2025),

(x) the National Student Accommodation Strategy 2026-2035 (Department of Further and Higher Education, Research, Innovation and Science, 2026),

(xi) the availability, in the area, of a wide range of social, community and transport infrastructure and services necessary to serve this development,

(xii) the pattern of existing and permitted development in the area,

(xiii) the submissions and observations received, and

(xiv) the report and recommendation of the Planning Inspector,

the Commission considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable form of student accommodation in an area with a clear demand for such accommodation. The proposed development would constitute an acceptable scale of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposed development would comply with Objectives 3.8 and 11.6 of the Cork City Development Plan 2022-2028 as they relate to Purpose Built Student Accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The proposed development of 408 bedspaces would result in a density of 127.5 units per hectare, in excess of the upper density targets applicable to the site, which falls within both the Outer Urban Suburbs and the Inner Urban Suburbs (South-west corridor) as outlined in the Cork City Development Plan 2022-2028. As such, the density of the proposed development would materially contravene Table 11.2 'Density and Building Heights Strategy' of the Cork City Development Plan 2022-2028. However, having regard to section 37(2)(a) of the Planning and Development Act 2000, as amended, and having regard to the Sustainable Residential Development Compact Settlements Guidelines for Planning Authorities (2024) including Table 3.1 – Areas and Density Ranges Dublin and Cork City and Suburbs, the location of the site currently well served by transport services, and with future additional transport infrastructure and services planned, along with national policy for the provision of additional Purpose Built Student Accommodation as outlined in the National Planning Framework (First Revision) (2025) and Delivering Homes, Building Communities: An

Action Plan on Housing Supply and Targeting Homelessness (2025), it is considered that the proposed development should be granted.

## 11.0 Recommended Draft Order

Application for permission under the Planning and Development Act 2000, as amended, in accordance with plans and particulars lodged with Cork City Council on the 3<sup>rd</sup> day of December 2024 and appealed to An Bord Pleanála on the 27<sup>th</sup> day of February 2025.

### **Proposed Development:**

The development will consist of the demolition of the former St. Joseph's Convent to provide for the construction of a 408-bed purpose built student accommodation development, café and all ancillary site development works. The proposed development will be provided in two number apartment buildings, two to five storeys in height, which include 57 number apartments ranging in size from three to seven bedrooms (335 bedspaces) and 73 number studio apartments, all served by open space, internal student amenities, bin stores, bike stores, ESB substation with a tank room and plant room at basement level. The proposed development will be accessed from Model Farm Road by a new vehicular/pedestrian access and provides for cycle and car parking spaces all at the former Saint Joseph's Convent, Model Farm Road, Cork.

### **Appeal:**

Appeal by Paul Desmond of 18 Woodlawn, Model Farm Road, Cork and by Others against the decision made on the 5<sup>th</sup> day of February 2025, by Cork City Council, to grant, subject to conditions, permission for the 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.

### **Reasons and Considerations:**

In making its decision, the Commission had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any observations received by it in accordance with statutory provisions.

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

- (i) the provisions and policies of the Cork City Development Plan 2022-2028,
- (ii) the zoning objective 'ZO1-Sustainable Residential Neighbourhoods,' with a stated objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses,'
- (iii) the National Planning Framework (NPF) First Revision – April 2025 issued by the Government of Ireland,
- (iv) Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness – November 2025 issued by the Government of Ireland,
- (v) the Guidelines for Planning Authorities on Sustainable Residential Development and Compact Settlements, issued by the Department of Housing, Local Government and Heritage in January 2024,
- (vi) the Urban Development and Building Heights – Guidelines for Planning Authorities (DoHPLG, 2018),
- (vii) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (viii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (ix) the Design Guide for State Sponsored Student Accommodation (Department of Further and Higher Education, Research, Innovation and Science, 2025),
- (x) the National Student Accommodation Strategy 2026-2035 (Department of Further and Higher Education, Research, Innovation and Science, 2026),
- (xi) the availability, in the area, of a wide range of social, community and transport infrastructure and services necessary to serve this development,

- (xii) the pattern of existing and permitted development in the area,
- (xiii) the submissions and observations received, and
- (xiv) the report and recommendation of the Planning Inspector.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would provide an acceptable form of student accommodation in an area with a clear demand for such accommodation, would constitute an acceptable scale of development at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, would be acceptable in terms of traffic and pedestrian safety and convenience, and would comply with Objectives 3.8 and 11.6 of the Cork City Development Plan 2022-2028 as they relate to Purpose Built Student Accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Commission agreed with the Inspector that the proposed development of 408 bedspaces resulting in a density of 127.5 units per hectare, in excess of the upper density targets applicable to the site, as outlined in the Cork City Development Plan 2022-2028, would materially contravene Table 11.2 'Density and Building Heights Strategy' of the Cork City Development Plan 2022-2028. However, having regard to section 37(2)(a) of the Planning and Development Act 2000, as amended, and having regard to the Sustainable Residential Development Compact Settlements Guidelines for Planning Authorities (2024) including Table 3.1 – Areas and Density Ranges Dublin and Cork City and Suburbs, the location of the site currently well served by transport services, and with future additional transport infrastructure and services planned, along with national policy for the provision of additional Purpose Built Student Accommodation as outlined in the National Planning Framework (First Revision) (2025) and Delivering Homes, Building Communities: An Action Plan on Housing Supply and Targeting Homelessness (2025), it is considered that the proposed development should be granted.

### **Appropriate Assessment Stage 1:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a site in an established urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Reports documentation and the report and recommendation of the Planning Inspector.

In completing the screening exercise, the Commission agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any designated European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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

The Commission completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Reports submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i), Class 10(b)(iv) and Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the existing use on the site and pattern of development in surrounding area,

(c) the availability of mains water and wastewater services to serve the proposed development,

(d) the location of the development outside of any sensitive lands,

(e) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development,” issued by the Department of the Environment, Heritage and Local Government (2003),

f) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and

g) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment,

it is considered 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 Assessment Report would not therefore be required.

## 12.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the further information received by An Coimisiún Pleanála on the 11<sup>th</sup> day of March 2026, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>The proposed development shall be amended such that the three-bed cluster unit located on the fifth floor to the south of Block B (the element projecting south of the main building line) is omitted. Revised drawings and details showing a redesign of this area shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development</p> <p><b>Reason:</b> In the interest of visual and residential amenity.</p>   |

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| 3. | <p>(a) The mitigation and monitoring measures outlined in the plans and particulars submitted with the planning application, including the Waste Classification Report and the Noise Impact Analysis Report shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>(b) The mitigation and monitoring measures outlined in the plans and particulars received by An Coimisiún Pleanála on the 11<sup>th</sup> day of March 2026 including the revised Environmental Impact Assessment Screening Report and the revised Construction and Demolition Waste Management Plan shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p> |
| 4. | <p>The proposed development shall be used for student accommodation or accommodation related to a Higher Education Institute or tourist / visitor accommodation only during academic holiday periods, and shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use, without a prior grant of permission.</p> <p><b>Reason:</b> To clarify the scope of the permission, in the interest of the proper planning and sustainable development of the area, and in accordance with the details submitted with the planning application.</p>   |
| 5. | <p>The student accommodation complex shall be operated and managed by an on-site management team on a 24-hour, full-time basis. A finalised student management plan shall be submitted to and agreed in writing with the planning authority prior to the first occupation of the development. Any changes in the operation and management of the complex shall be the subject of a new planning application.</p> <p><b>Reason:</b> In the interest of the amenities of occupiers of the units and surrounding properties.</p>   |

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| 6. | <p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>  |
| 7. | <p>(a) Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the Planning Authority for such works and services.</p> <p>(b) Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>(c) 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.</p> <p>(d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the planning authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p> |
| 8. | <p>Prior to the commencement of development, the developer shall enter into water and wastewater agreements with Uisce Eireann.</p> <p><b>Reason:</b> In the interest of public health and to ensure adequate water / wastewater facilities.</p>   |

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| 9.  | <p>Proposals for a development name and numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s), in Irish and English, shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p> |
| 10. | <p>Cycle parking facilities serving the proposed development and the public amenity route through the site, shall comply with the provisions of the Cycle Design Manual issued by National Transport Authority in 2023. Electric charging facilities shall be provided for cycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development</p> <p><b>Reason:</b> In the interest of sustainable travel and the amenities of future occupiers.</p>                             |
| 11. | <p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the amenities of property in the vicinity and the visual amenities of the area.</p>   |
| 12. | <p>Roof areas shall not be accessible other than for maintenance purposes only.</p>  |

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|     | <b>Reason:</b> In the interest of residential amenity.   |
| 13. | <p>(a) The commercial unit in Block A shall be used solely as a café and shall not be used as a hot food / fast food takeaway outlet on foot of this permission.</p> <p>(b) Full details of:</p> <p>(i) hours of operation of the café,</p> <p>(ii) signage details, and</p> <p>(iii) associated air extraction and air conditioning plant</p> <p>shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>  |
| 14. | <p>An updated Operational Waste Management Plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including capacity requirements and the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within the development and within each 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.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.</p> |
| 15. | <p>The existing bus stop shall be retained and reinstated outside the proposed development. The design details of the bus stop shall be submitted to and agreed in writing with the planning authority prior to commencement.</p>  |

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|     | <p><b>Reason:</b> In the interest of sustainable mobility and development.</p>  |
| 16. | <p>(a) The developer shall comply with all recommendations set out in the Ground Investigation Report dated October 2022, prepared by GII and received by An Bord Pleanála on the 3<sup>rd</sup> day of April 2025 and by An Coimisiún Pleanála on the 11<sup>th</sup> day of March 2026.</p> <p>(b) A pre-commencement photographic survey of boundary conditions and the condition of adjoining property, where consented to by the owners / occupiers, shall be undertaken. Upon completion of construction a similar survey shall be carried out.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area and to ensure an adequate record of adjoining buildings condition is provided.</p> |
| 17. | <p>(a) The developer shall comply with all requirements of the planning authority in relation to cycling and pedestrian infrastructure, roads, access and set-down parking arrangements.</p> <p>(b) The internal access network serving the proposed development, including turning bays, junctions, set-down parking space, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>   |
| 18. | <p>The proposed development shall be implemented as follows:</p> <p>(a) As part of the monitoring of the Mobility Management Plan, the planning authority shall be notified of who is the appointed Travel Plan Coordinator prior to commencement of development.</p> <p>(b) A review of the Mobility Management Plan including the carrying out of student travel surveys shall be undertaken in Year 1 and Year 2 after first</p>   |

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|     | <p>occupation. The reviews shall be submitted to the planning authority within one month of completion and further reviews shall be carried out every two years unless otherwise agreed with the planning authority.</p> <p>(c) Student units / apartments / studios shall not be amalgamated or combined.</p> <p><b>Reason:</b> In the interests of sustainable transportation and amenity.</p>  |
| 19. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>  |
| 20. | <p>(a) The landscaping scheme shown on the Landscape Masterplan (Drawing Number L200 ) and Landscape Strategy, shall be carried out within the first planting season following substantial completion of the external construction works.</p> <p>(b) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, shall be submitted to and agreed in writing with the planning authority, prior to commencement of development, and subsequently implemented in accordance with the agreed scheme.</p> <p>(c) All planting shall be adequately protected from damage until established. Any plants that 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. This work shall be completed before any of the units are made</p> |

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|     | <p>available for occupation and the areas shall be maintained as public open space by the developer until taken in charge by the local authority or a management company.</p> <p><b>Reason:</b> In the interest of environmental, residential and visual amenity.</p>   |
| 21. | <p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>   |
| 22. | <p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>b) the location of areas for construction site offices and staff facilities;</li> <li>c) details of site security fencing and hoardings;</li> <li>d) details of on-site car parking facilities for site workers during the course of construction;</li> <li>e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> <li>f) measures to obviate queuing of construction traffic on the adjoining road network;</li> <li>g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> </ul> |

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|     | <p>h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority,</p> <p>n) noise during site clearance and construction shall not exceed 65 Db (A), Leq 30 minutes and the peak noise shall not exceed 75 Db (A), when measured at any point off site.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety and environmental protection.</p> |
| 23. | <p>Prior to commencement of development, a Construction Environmental Management Plan (CEMP) relating to noise, and vibration shall be submitted to and agreed in writing with the planning authority. The CEMP shall include a site location map showing the nearest noise sensitive locations, give details of the predicted noise and vibration impact in addition to proposed mitigation measures. The CEMP and noise abatement measures shall comply with the recommendations of BS 5228, 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The noise sensitive locations shall be taken to be the nearest residential buildings unless otherwise agreed in writing with the planning authority. Noise levels attributable to the proposed development activities when assessed at the</p>   |

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|     | <p>nearest noise sensitive locations shall comply with the noise threshold limit values set out therein.</p> <p><b>Reason:</b> In order to protect the residential amenities of property in the vicinity.</p>  |
| 24. | <p>Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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. The RWMP shall outline how excess soil and contaminated land, if encountered, shall be dealt with.</p> <p><b>Reason:</b> In the interest of reducing waste and encouraging recycling.</p> |
| 25. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 to 1400 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.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>   |
| 26. | <p>Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public amenity walking / cycle route, open spaces and set down / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the</p>  |

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|     | <p>existing and permitted public lighting in the surrounding area, and shall be bat friendly. Such lighting shall be provided prior to the making available for occupation of any unit within the proposed development.</p> <p><b>Reason:</b> In the interests of amenity, the environment and public safety.</p>  |
| 27. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the local authority to apply such security or part thereof to such reinstatement. 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>   |
| 28. | <p>The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p> |

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|  | Development Contribution Scheme made under section 48 of the Act be applied to the permission. |
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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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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John Duffy  
Planning Inspector

7<sup>th</sup> May 2026

## Appendix 1

### Form 1 - EIA Pre-Screening

|   |  |
|---|--|
| <b>Case Reference</b>   | ACP-324054-26  |
| <b>Proposed Development Summary</b>   | Demolition of existing former convent, construction of a 408 bedspace PBSA development comprising 73 studios (each with 1 bed space) and 57 Clusters (comprising 335 bed spaces). The proposed development will be accommodated within 2 apartment buildings of 2 to 5 storeys in height; a tank room and plant room to be accommodated at basement level (c 90 sqm). The proposal includes a cafe and all ancillary site development works. The proposal includes for new hard and soft landscaped open spaces, new entrance, car and cycle parking, refuse areas, surface water drainage (inclusive of SuDs features), and connections to public water supply and drainage services. |
| <b>Development Address</b>  | Site of the former Saint Joseph's Convent, Model Farm 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><br><br>(For the purposes of the Directive, "Project" means:<br>- The execution of construction works or of other installations or schemes,<br><br>- 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.  | State the Class here   |

|  |  |
|--|--|
| <p><b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b></p>   |  |
| <p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>  |  |
| <p><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></p> |  |
| <p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, 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><b>State the Class and state the relevant threshold</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>State the Class and state the relevant threshold</b></p> <p>Class 10(b)(i): Threshold of 500 dwellings.<br/> Class 10(b)(iv): Urban Development - Threshold of 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.<br/> Class 14: Works of demolition.</p> |

**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)?**

|   |  |
|---|--|
| Yes <input checked="" type="checkbox"/> | Screening Determination required (Complete Form 3)                 |
| No <input type="checkbox"/>             | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix 2: Form 3 - EIA Screening Determination Form**

| <b>A. CASE DETAILS</b>   |  |   |
|--|--|---|
| <b>An Bord Pleanála Case Reference</b>                         | <b>ACP-324054-26</b>   |   |
| <b>Development Summary</b>                                     | Demolition of former convent to provide for the construction of a 408 bedroom purpose-built student accommodation, to be provided in two apartment buildings (2-5 storeys in height), served by open space, internal student amenities, bin stores, bike stores, ESB substation with a tank room and plant room at basement level. |   |
|  | <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>   | An EIA Screening Report was submitted with the planning application which screened out the requirement for submission of an Environmental Impact Assessment Report (EIAR). The planning authority noted that having regard to the nature and scale of the proposed development it was concluded that an EIA is not required in this case.   |
| <b>2. Has Schedule 7A information been submitted?</b>          | <b>Yes</b>   | An EIA Screening Report was submitted as part of the application documentation. Having regard to the additional design information relating to basement construction and foundations provided in response to the Article 73(1)(a) notice, the applicant provided an updated EIA Screening Report dated March 2026 in addition to an updated Construction Demolition and Waste Management Plan (CDWMP). Both EIA Screening Reports provide for a screening against Schedule 7A criteria. |

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| <p><b>3.</b> Has an AA screening report or NIS been submitted?</p>  | <p><b>Yes</b></p> | <p>An Appropriate Assessment Screening Report was submitted as part of the application documentation. Having regard to the additional design information relating to basement construction and foundations provided on foot of the Article 73(1)(a) notice, the AA Screening report has been reconsidered, and a revised AA Screening report dated March 2026 is submitted. Both reports have screened out the need for AA. They conclude that 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, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required.</p> |
| <p><b>4.</b> 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?</p>   | <p><b>No</b></p>  |   |
| <p><b>5.</b> 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</p> | <p><b>Yes</b></p> | <p>EIA Screening Reports (submitted with LRD application and revised on foot of additional design information provided relating to basement construction and foundations) which consider the EIA Directive (2011/92/EU, as amended by 2014/52/EU).</p> <p>AA Screening Reports (submitted with LRD application and revised on foot of additional design information provided relating to basement construction and foundations) which consider the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC),</p> <p>Noise Impact Analysis Report</p> <p>Energy and Climate Impact Analysis Report which considers the content of the EU Energy Performance in Buildings Directive (2010/31/EU).</p> <p>Engineering Report</p>   |

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|  |                           | <p>Noise Impact Analysis Report</p> <p>SEA was undertaken in respect of the Cork City Development Plan 2022-2028 by the planning authority.</p>  |  |
| <b>B. EXAMINATION</b>  | <b>Yes/ No/ Uncertain</b> | <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><b>Yes/ No/ Uncertain</b></p> |
|  |                           | <p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>   |  |
| <p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p> | <p><b>No</b></p>          | <p>The development proposes demolition of an existing building and the provision of a residential scheme of purpose-built student accommodation (PBSA) in the form of two apartment blocks, which are 2-5 storeys in height and served by open space and internal student amenities.</p> <p>Given the predominantly residential character of the area, and the proposed residential use on the subject lands, the project is not</p> | <p><b>No</b></p>   |

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|   |                  | <p>significantly different in character to the existing surrounding environment.</p> <p>The predominant housing typology in the area comprises one and two storey dwellings, many located on generous plots. The proposal is larger in scale compared to the pattern of residential development in the immediate area, with moderate increases in building height and density noted. It is not considered that the proposed development of two apartment blocks would be significantly different in character or scale to the existing surrounding environment.</p>   |                  |
| <p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p> | <p><b>No</b></p> | <p>The proposed development will result in the construction of a residential scheme (of PBSA) on lands which are zoned for residential development under the ZO1 Sustainable Residential Neighbourhoods zoning objective.</p> <p>Demolition of a single building is proposed. Demolition and construction works will be managed through the Construction and Demolition Waste Management Plan (CDWMP) which has been revised to include the design information relating to basement construction and foundations provided on foot of the Article 73(1)(a) notice.</p> <p>There are no water courses on the site and the</p> | <p><b>No</b></p> |

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|  |            | lands are not located in an area of flood risk.<br>While construction works will lead to physical changes across the site, these would not be detrimental to the surrounding area.<br>At operational phase, when the PBSA is occupied, no physical changes to the locality are anticipated.  |           |
| <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? | <b>Yes</b> | The proposed development will utilise materials which are standard for this type of urban development and are not considered to be in short supply. The loss of natural resources or local biodiversity as a result of the redevelopment of the site are not regarded as significant in nature.<br>At operational stage, the development would not use natural resources in short supply. The proposed development will connect into public water services which have adequate capacity to meet demands. | <b>No</b> |
| <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?  | <b>Yes</b> | Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils, and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and the implementation of the CDWMP /RWMP will appropriately mitigate potential impacts. No operational impacts in this regard are anticipated.  | <b>No</b> |

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| <p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>  | <p><b>Yes</b></p> | <p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils, and other such substances, and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and the implementation of the CDWMP will appropriately mitigate potential impacts. No significant operational impacts are expected. Operational waste shall be managed by way of the submitted Operational Waste Management Plan (OWMP).</p>   | <p><b>No</b></p> |
| <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>No significant risk identified subject to the implementation of appropriate mitigation measures. The operation of the CDWMP/RWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water will be attenuated within the site and wastewater and surface water (as necessary) will be discharged to the combined public drainage system, which meets Uisce Eireann and planning authority requirements. No significant emissions during operation are anticipated.</p> <p>There are no watercourses on or adjacent to the site. The site is at a significant remove from coastal waters (c 5 km).</p> | <p><b>No</b></p> |

|  |                   |  |                  |
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| <p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p> | <p><b>Yes</b></p> | <p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of the CDWMP / RWMP. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Light impacts at operational stage will be addressed by the public lighting plan which is designed to industry standards and planning authority requirements. Noise at operational stage is largely associated with increased activity and residential use. The Noise Impact Analysis Report includes measures to address impacts.</p> | <p><b>No</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 the submitted CDWMP/RWMP would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>  | <p><b>No</b></p> |
| <p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>               | <p><b>No</b></p>  | <p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>  | <p><b>No</b></p> |

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| <p><b>1.10</b> Will the project affect the social environment (population, employment)</p>   | <p><b>Yes</b></p> | <p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential development. Employment will be generated during the construction phase.</p>   | <p><b>No</b></p> |
| <p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>   | <p><b>No</b></p>  | <p>The project is not part of a wider large-scale change in the area. The site constitutes a brownfield infill site within the built-up urban area.</p>   | <p><b>No</b></p> |
| <p><b>2. Location of proposed development</b></p>  |                   |   |                  |
| <p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <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><b>No</b></p>  | <p>No European sites located on or adjacent to the site. No designated or proposed Natural Heritage Area in the vicinity of the site.</p> <p>The submitted AA Screening Reports both conclude that 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, in light of their conservation objectives.</p> | <p><b>No</b></p> |

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| <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>The Appropriate Assessment Screening Reports refers to site surveys undertaken which found that no protected habitats, rare or protected plants are present on the site. Habitats within the site are dominated by buildings and artificial surfaces, amenity grassland, flower beds and borders and non-native hedgerows and treelines. To the rear of the building is hardcore used for parking. Overall the on-site habitats are considered to be of low ecological value. It is concluded that the proposed development would not be likely to result in significant effects on the environment in terms of biodiversity loss.</p> | <p><b>No</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>No archaeological features recorded on or adjacent to the subject site.</p> <p>No protected structures on the site or adjacent to it.</p> <p>The site is not located within an Architectural Conservation Area (ACA).</p> <p>The site is located c 120 m west of Protected Structure PS958 – Church of the Descent of the Holy Spirit at Dennehy’s Cross. The Church is designated as Local Landmark Building No. 9.</p> <p>The proposed development would not likely result in significant negative effects on the</p>  | <p><b>No</b></p> |

|   |           |  |           |
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|   |           | environment in terms of cultural heritage and landscape importance.  |           |
| <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? | <b>No</b> | No such resources on site or in the area.  | <b>No</b> |
| <b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?      | <b>No</b> | There are no watercourses on or adjacent to the site. The site is at a significant remove from coastal waters (c 5 km). The nearest watercourses to the site are the Glasheen River (c 385 m to the east) and the Curragheen River (c 453 m to the north). The lands are not located in an area of flood risk. | <b>No</b> |
| <b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?  | <b>No</b> | No such impacts are foreseen.  | <b>No</b> |
| <b>2.7</b> Are there any key transport routes (eg 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 site is accessed from the Model Farm Road and is readily accessible, located c 3.2 km from the City Centre, c 1.6 km from UCC and c 1.7 km from MTU.<br><br>4 no. car parking spaces are proposed, primarily for staff of the facility. 222 no. cycle parking spaces are proposed and it is                |           |

|   |           |   |           |
|---|-----------|---|-----------|
|   |           | <p>anticipated that occupants would use active travel and public transport.</p> <p>The BusConnects Ballincollig to City Sustainable Transport Corridor (STC) E will travel along Model Farm Road and pass the subject site. A bus stop will be located in close proximity to the proposed development. Details of the BusConnects E route indicate new footpaths, cycle lanes, bus stops and a road crossing in the vicinity of the site.</p> <p>Having regard to the foregoing the transport infrastructure / network serving the area is capable of accommodating the proposed development.</p> |           |
| <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?                          | <b>No</b> | There are no existing sensitive land uses or community facilities such as hospitals and schools in the immediate area. The site adjoins residential development.  | <b>No</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>No</b> | No development in the area have been identified which would give rise to significant cumulative environmental effects.  | <b>No</b> |
| <b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?   | <b>No</b> | No trans-boundary effects arise as a result of the proposed development.  | <b>No</b> |
| <b>3.3</b> Are there any other relevant considerations?   | <b>No</b> | No  |           |

## C. CONCLUSION

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

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) The nature and scale of the proposed development which is below the thresholds in respect of Class 10(b)(i), 10(b)(iv) and Class 14 of the Planning and Development Regulations 2001 as amended,
- (b) The location of the site on lands zoned ZO1 'Sustainable Residential Neighbourhoods' and the provisions of the Cork City Development Plan 2022-2028,
- (c) The brownfield infill nature of the subject site, its location in an urban area and outside of any sensitive land designation, and the pattern of development in the area,
- (d) The availability of mains water supply and wastewater infrastructure and services,
- (e) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development," issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001 as amended, and
- (g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the Construction and Demolition Waste Management Plan provided in response to the Article 73(1)(a) notice, the Operational Waste Management Plan, the Noise Impact Analysis Report and the Engineering Report,

It is considered 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 Assessment Report would not therefore be required.

**Inspector: John Duffy**

**Date: 7<sup>th</sup> May 2026**

**Approved (DP/ADP): Mary Mac Mahon**

**Date: 7<sup>th</sup> May 2026**

### Appendix 3: Screening for Appropriate Assessment

| Screening for Appropriate Assessment<br>Test for likely significant effects   |   |
|---|---|
| <p><b>Step 1: Description of the project and local site characteristics</b></p> <p><b>Case file: ACP- 324054-26</b></p> |   |
| <p><b>Brief description of project</b></p>  | <p>Demolition of existing former convent, construction of a 408 bedspace PBSA development comprising 73 studios (each with 1 bed space) and 57 Clusters (comprising 335 bed spaces). The proposed development will be accommodated within 2 apartment buildings of 2 to 5 storeys in height; a tank room and plant room to be accommodated at basement level (c 90 sqm). The proposal includes a cafe and all ancillary site development works. The proposal includes for new hard and soft landscaped open spaces, new entrance, car and cycle parking, refuse areas, surface water drainage (inclusive of SuDs features), and connections to public water supply and drainage services.</p>   |
| <p><b>Brief description of development site characteristics and potential impact mechanisms</b></p>                     | <p>The site measures 0.8 ha and comprises two distinct parts. The northern portion accommodates the former St. Joseph's Convent, a single and two storey building with associated grounds, set back from the R608, which was previously in use as a nursing home. The southern portion of the site, which is accessed through a right of way from the adjoining Lee Garage / service station site to the west, is at a higher level than the northern portion, and has a hardstanding surface.</p> <p>An anticipated 1,850 cubic metres of material will be excavated during construction of the basement. All substructures are to be founded on the underlying bedrock, whether directly onto the rock itself via trench fill lean mix or by way of bored piles socketed into the bedrock.</p> <p>Site walkover surveys undertaken for the AA Screening Report indicate the site does not contain any protected habitats and that overall, the habitats are of low ecological value. Habitats within the site are dominated by buildings and artificial surfaces (BL3), amenity grassland (GA2), flower beds and borders (BC4) and non-native hedgerows / tree lines (WL1/WL2).</p> |

|                                       |  |
|---------------------------------------|--|
|                                       | <p>The proposed development is not within or adjoining any European Site, any designated or proposed NHA, or any other area of ecological interest or protection. There are no watercourses in or adjacent to the site. The nearest watercourse is Glasheen River flowing c.385m to the east. The site is located within the sub catchment of the river. Glasheen River is a tributary of the River Lee, which flows to Cork Harbour SPA (these overlap 8.2 km downstream). Therefore, there is a potential hydrological connection between the site and Cork Harbour SPA (c.5.05km to the east of the site).</p> <p>There are no protected habitats or species identified on the site which are QIs associated with any European Site. Therefore, I consider the likelihood of any significant effect of the proposed development on any European Site due to loss of habitat and / or disturbance to species can be reasonably excluded.</p> <p>Further, there is no viable pathway connecting the subject site to the Great Island Channel SAC (001058), located approximately 11.8 km to the east. Therefore, I conclude that the likelihood of any significant effect of the project on the Great Island Channel SAC may be reasonably excluded.</p> <p>The applicant is proposing to connect to existing municipal services in terms of water supply and wastewater / drainage. Therefore, there is an indirect pathway to the European Site of Cork Harbour SPA via the Carrigrennan (Cork City) Waste Water Treatment Plant. I therefore acknowledge that there is a potential connection to Cork Harbour SPA via the wider drainage network and the Carrigrennan (Cork City) Waste Water Treatment Plant. However, the existence of this potential pathway does not necessarily mean that potential significant effects will arise.</p> |
| <p><b>Screening reports</b></p>       | <p>Yes, AA Screening Report dated November 2024 prepared by Dixon Brosnan Environmental Consultants which has screened out the need for AA. Cork City Council also screened out the need for AA.</p> <p>Having regard to the additional design information relating to basement construction and foundations provided on foot of the Article 73(1)(a) notice, the AA Screening report has been reconsidered, and a revised report prepared by Dixon Brosnan Environmental Consultants, dated March 2026 is submitted. This report has screened out the need for AA.</p>  |
| <p><b>Natura Impact Statement</b></p> | <p>No.</p>   |

|                             |  |
|-----------------------------|--|
| <b>Relevant submissions</b> | Appeal by Woodlawn Residents Association raises concerns in terms of compliance of the proposed development with the Habitats Directive and the Water Framework Directive. |
|-----------------------------|--|

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

| European Site (code)      | Qualifying interests <sup>1</sup> (NPWS, date)  | Distance from proposed development (km) | Ecological connections <sup>2</sup>                      | Consider further in screening <sup>3</sup> Y/N |
|---------------------------|---|---|--|--|
| Cork Harbour SPA (004030) | Waterbirds (23 x species)<br>Wetlands<br><br>Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004]<br><br>Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005]<br><br>Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]<br><br>Grey Heron ( <i>Ardea cinerea</i> ) [A028]<br><br>Shelduck ( <i>Tadorna tadorna</i> ) [A048]<br><br>Teal ( <i>Anas crecca</i> ) [A052]<br><br>Pintail ( <i>Anas acuta</i> ) [A054]<br><br>Red-breasted Merganser ( <i>Mergus serrator</i> ) [A069]<br><br>Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]<br><br>Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]<br><br>Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]<br><br>Lapwing ( <i>Vanellus vanellus</i> ) [A142]<br><br>Dunlin ( <i>Calidris alpina</i> ) [A149]<br><br>Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] | c 5.1 km                                | No direct connection<br><br>Possible indirect connection | Y  |

|   |   |           |   |   |
|---|---|-----------|---|---|
|   | <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> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wigeon (<i>Mareca penelope</i>) [A855]</p> <p>Shoveler (<i>Spatula clypeata</i>) [A857]</p> <p>Wetland and Waterbirds [A999]</p> <p>NPWS, 2014</p> <p>(Accessed on 5.5.26)</p> |           |   |   |
| Great Island Channel SAC (001058)   | <p>Mudflats and Sandflats</p> <p>Atlantic Salt Meadows</p> <p>NPWS, 2014</p> <p>(Accessed on 5.5.26)</p>  | c 11.8 km | No viable pathway connecting the site to the Great Island Channel SAC (001058). | N |
| <p><sup>1</sup> Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report</p> <p><sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p><sup>3</sup>if no connections: N</p>   |   |           |   |   |
| <p><b>Further commentary / discussion</b></p> <p>Potential pathways to Cork Harbour SPA comprise (a) Occurrence of surface water pollution during the construction phase and (b) Occurrence of surface water and wastewater pollution during operational phase.</p> <p>No potential pathway identified between the subject site and the Great Island Channel SAC, located c 11.7 km east (or 12.9 km downstream).</p> |   |           |   |   |

**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

**AA Screening matrix**

| Site names<br>Qualifying interests   | Possibility of significant effects (alone) in view of the conservation objectives of the sites   |   |
|--|--|---|
|  | Impacts on Cork Harbour SPA  | Effects   |
| <p><b>Cork Harbour SPA (004030)</b></p> <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>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</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>Direct: None</p> <p>Indirect:</p> <p>Potential indirect hydrological connections between the project and Cork Harbour SPA. Firstly, through potential surface water discharges to the public system and secondly through wastewater discharges via the public drainage system (effluent will be treated at Carrigrennan WWTP) to Cork Harbour.</p> <p>Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> | <p>During construction phase, construction works will be managed by and implemented under a RWMP and CMP which include pollution prevention and surface water control measures.</p> <p>At operational stage, several SuDS features are proposed to manage stormwater and surface water run-off from the site in the first instance. This will discharge as necessary at a restricted rate to the combined public sewer.</p> <p>There is sufficient capacity available in the public system to accommodate the surface water and wastewater drainage from the proposed development, which will be treated at Carrigrennan WWTP before discharging into Cork Harbour. UE Capacity Register confirms available capacity.</p> <p>The contained nature of the appeal site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to the Cork Harbour SPA</p> |

|  |  |   |
|--|--|---|
| <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>                |  | <p>make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the SPA for the SCIs listed.</p> <p>Conservation objectives would not be undermined.</p> <p>Having regard to the distance separating the site to Cork Harbour SPA there is no pathway for loss or disturbance of important habitats or important species associated with the feature of interests of the European Sites identified above.</p> |
|  | Likelihood of significant effects from proposed development (alone): <b>No</b>                                     |   |
|  | If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b> |   |
| <p><b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b></p>  |  |   |
| <p>I conclude that the proposed development (alone) would not result in likely significant effects on any European Sites. The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No mitigation measures are required to come to these conclusions.</p> |  |   |

**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 any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Objective information presented in the original and reconsidered/revised Screening Report.
- Location-distance from nearest European site and lack of any direct connections.
- Absence of any meaningful pathways to any European Site.
- Standard pollution controls that would be implemented regardless of proximity to a European Site and effectiveness of these.
- Taking into account the conclusion of the Appropriate Assessment Screening undertaken by the planning authority.