



An
Coimisiún
Pleanála

Inspector's Report

ACP-324153-26

Development

LRD: Demolition of 10 agricultural buildings /sheds and the construction of a residential development of 140 no. residential apartment units. Development is situated within the curtilage of Bessborough House which is a Protected Structure (Ref: RPS 490). An EIAR and a NIS are included.

Location

Bessborough, Ballinure, Blackrock, Cork.

Website

www.thefarmlrd.ie

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2544442

Applicant(s)

Estuary View Enterprises 2020 Limited

Type of Application

Large-Scale Residential Development

Planning Authority Decision

Grant with Conditions

Type of Appeal

First and Third Party

Appellant(s)

- Bessboro Mother and Baby Home Support Group

- Councillor Peter Horgan

Observer(s)

1. Cllr. Isobel Towse
2. Cathy Quinn
3. Chiara Henderson
4. Deirdre Dennehy and others.
5. Gerardine Crowley & Family
6. Katie Drago
7. Maggie O’Kane & others.
8. Maria Ryan
9. Niamh Woodcock
10. Ruth Coppinger TD.
11. Brian Hosty
12. Doireann Ní Ghríofa
13. Donnchadh O’Laoghaire TD. & Others.
14. Seamus Markey
15. Rachel MagShamhráin
16. Pádraig Rice TD.
17. Melissa Collins
18. Mary Coll
19. Máirin Keegan
20. Mahon Tidy Towns
21. Madeleine Flanagan
22. Leah Buckley and Ellie O’Connell
23. Katherine Zappone
24. Joseph Fahy
25. Karen Cottier
26. Jennifer Williams

27. Ivania Bacik TD
28. Holly Cairns TD
29. Genevieve Hennessy
30. Fiona Floyd
31. Eoin Hayes TD
32. Cork Survivors and Supporters Alliance
33. Desmond O'Driscoll
34. Colm Ó'Cuanacháin
35. Colm Collins
36. Colette Finn
37. Cllr. Niamh O'Connor
38. Cliodhna Buckley
39. Claire McGettrick – Clann Project – Includes 157 submissions.
40. Claire Jacob and Others.
41. Ciara Flanagan
42. Carolyn Coyne
43. Bernice O'Connor
44. Avril O'Brien
45. Ann Bambury
46. Aileen Spitere
47. Alison Kay
48. Cllr. Dan Boyle
49. Victoria Lane Hennessy
50. The Workers Party of Ireland c/o Ted Tynan
51. Dr. Suzanne Crowe

- 52. Special Advocate for Survivors of Institutional Abuse
- 53. Sophia Byrne
- 54. Dr. Sinead Ring
- 55. Shelia Murphy
- 56. Shane O'Donovan
- 57. Seamus McGrath TD.
- 58. Philip Canty
- 59. Oliver Donoghue.
- 60. Cllr. Noelle Brown
- 61. Noelle and Teddy Irwin
- 62. Meadhbh Campbell
- 63. Mary McAuley
- 64. Mahon Library Pressure Group
- 65. Lucy McDiarmid
- 66. Louise Lotty
- 67. Liam Butler
- 68. Senator Laura Harmon and Others
- 69. Kieran Coughlan
- 70. Katherine Kenny
- 71. John Paul O'Shea TD
- 72. John and Carol Coughlan
- 73. Irene Donovan
- 74. Gerrie Brohan and Others
- 75. Frank Brehany.

Date of Site Inspection

3rd June 2026

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 5.08 hectares, comprises of an irregular shaped area of land located to the south of the Bessboro Road, approximately 4.3km to the south west of Cork City Centre. The lands are primarily under grass, with trees/ scrub evident, but there are also former agricultural buildings/ sheds and a log cabin on site. Most of the agricultural structures are in poor condition with collapsed roofs evident on the day of the site visit and materials dumped on site.
- 1.2. Bessborough House is located to the south of the subject site. It was evident from the site visit that when viewed from the north, the house has been much extended and altered. When viewed from the south (looking north) the house has retained much of its character. To the north of the subject site, fronting onto the Bessboro Road, is an existing modern single storey convent building.
- 1.3. The site slopes gently downwards from north to south, and from the eastern boundary downwards towards the centre of the site. To the east of the site is the former Cork to Passage West Railway line, which is now in use as a greenway. The proposed access to the subject lands is from the Bessboro Road to the east of the site; the existing access is also from the Bessboro Road but to the north west of the site. North of the site are newly completed housing developments, to the west are light industrial/ warehousing units and to the east of the greenway are mixed use developments including retail/ office and services. Mahon Point Shopping Centre is approximately 900m to the east of the subject site, though there is no direct accessible route to this from the subject site at present.
- 1.4. The nearest accessible public transport is located on the Skehard Road, approximately 450m to the north of the subject site. Four bus routes (202/A and 215/A) provide approximately 10 services an hour to/ from the city centre. Route 219 operates approximately hourly on an orbital route to the south of the city. Bus stops serving the 215/A are located approximately 190m to the north east of the subject site on the R852 within Mahon, though there is no currently easily accessible route to this stop. The Cork Luas is proposed to operate Skehard Road to/ from the city centre with a terminus at Mahon Point Shopping Centre.

Note: The use of Bessboro and Bessborough for naming purposes is interchanged regularly in planning reports, third party comments and elsewhere. I will refer to the

public road as the Bessboro Road and the house/ adjoining lands as Bessborough unless stated otherwise.

2.0 Proposed Development

2.1. The proposal, as per the submitted public notices, comprises the demolition of 10 no. agricultural buildings/ sheds and the construction of 140 apartment units over 2 retained/ repurposed/ extended farmyard buildings, which are referred to as A and B, and three new blocks of between 3-5 storeys in height. Residential amenity facilities and a creche are also proposed as part of the development of this site.

2.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	5.08 hectares.
Area to be developed	1.46 hectares
Site Coverage	30.1%
Plot Ratio	1
Area to be Demolished 10 agricultural buildings/ sheds/ log cabin Total:	1,083sq m.
No. of Houses	0
No. of Apartments	140
Total	140
Density – Redline	27.5 dph
Density – Developable Area	95.9 dph
Density – Compact Settlements Guidelines	98 dph
Floor Area Gross Floor Area: Residential Floor: Creche Floor Area:	14,676.4sq m 14,435.6sq m 240.8sq m
Public Open Space Provision	24,520sq m (10.6%)

Childcare Provision	240.8sq m – 25 Children
Car Parking –	
Residential	54
Childcare	4
Total	58
Bicycle Parking –	
Residents Standard	230
Visitor Standard	100
Total	330
Motorcycle Parking	5

Table 2: Unit Mix

	Bedrooms					
Block	1 Bed	2 Beds (3 P)	2 Beds (4P)	3 Beds	Total	Storeys
C	9	3	22	0	34	3
D	34	6	18	0	58	4
E	27	3	17	1	48	5
Total (%)	70 (50%)	12 (8.6%)	57 (40.7%)	1 (0.7%)	140	

- 2.3. A total of 57 units (41%) are dual aspect, and 35 units (25%) are 110% or more in excess of minimum required floor areas.
- 2.4. Blocks A and B, which are existing buildings proposed to be restored/ reused, will not provide for any residential accommodation. These will be used for amenities for the residents of the proposed development. Block A will provide for a single storey function room with a floor area of 70sqm. This building will retain its two storey height, but internally the upper floor is removed, and a void is provided over the ground floor area.
- 2.5. Block B will provide for 'Breakout Space', 'Communal Workspace', and 'Reading/ Library' space. There are two wings to this block with the southern section providing the 'Reading/ Library' space and which has a stated floor area of 121.7sq m and the

northern section which is on an east to west axis has a stated floor area of 180.9sq m. Block B will be provided with a metal sheeting covered barrel roof.

3.0 Planning Authority Pre-Application Opinion

3.1. The following pre-application consultation took place:

- A Section 247 Consultation Meeting took place on the 16th of July 2024 between representatives of the applicant and Cork City Council, LRD 86/24 refers. Issues raised included:
 - Background and history of the proposed development. How previous issues are to be addressed.
 - The Planning Authority reported that insufficient detail was available to undertake a full analysis of the design. Revisions to the design, buildings and layout were identified. Building 'C' was raised as a concern in terms of position/ size and access.
 - Full details required in relation to drainage, water supply and access to the Greenway to the east of the site.
 - Full regard to be had to the Conservation Objectives that apply to the site/ the adjoining lands.
 - Need for an Operational Waste Management Statement, Climate Action & Energy Statement, an updated Construction & Environment Management Plan and a Construction Waste Management Plan.
 - Potential need for an NIS. Noted the presence of invasive species on site; suitable measures will be required to manage these.
 - Need for a full tree survey, landscaping strategy and relocation of the proposed bridge onto the greenway.
- A Section 32C LRD Meeting was held on the 26th of November 2025, LRD25-10 refers.

- An LRD Opinion Report was issued under Section 32D on the 26th of November 2025. The Planning Authority reported that it was their views that the ‘documents submitted did not constitute a reasonable basis on which to make an application for permission and specified further considerations and amendments’.

The Planning Authority specified that the following information be submitted:

- Design and Placemaking:
 - a) Noted the development location, specifically Block C, within the curtilage of Bessborough House and the Planning Authority considered it to be important that ‘a meaningful connection between Bessborough House and the associated grounds’ be retained. Noted the location of a proposed roadway and car parking and requested that Block C and its access road/ car parking be removed from the proposed development. Note that it is a long term objective of Cork City Council to retain the established parkland/ woodland and the removal of Block C and associated carparking and access would ensure this.
 - b) Support is given for the proposed Block D and Block E, though it was recommended that a single storey be removed from each of these blocks to ensure that the status of Bessborough House is protected.
 - c) The proposed material finishes, in particular the red coloured roofs, should be revised.
 - d) Request that a full visual impact assessment be submitted, and which indicates the summer and winter views as appropriate.

The following specific information to be provided in support of a submitted application:

- Statement indicating how the development has regard to placemaking and permeability.
- Full details in relation to heritage assessment including archaeology, built and cultural heritage.

- Housing Quality Assessment demonstrating compliance with the relevant standards.
- Full details on areas to be taken in charge including SUDs measures.
- Rationale for the proposed residential density/ unit mix, demonstrating regard to relevant Section 28 Guidelines.
- Address Conservation raised issues: Omission of Block, reduction in height of Block D and E by a storey in each case, revisions to the elevational treatment and to provide summer/ winter views of the proposed development.
- Address Architect's related issues: Revise Block C to have greater regard to its setting, reduce the amount of associated vehicular infrastructure serving Block C and revise Block E through the reduction in height by a storey.
- Address Parks and Recreation issues: Retain woodland/ parking on the former Cork Heritage Park. Remove Block C and associated infrastructure and lands to be incorporated into the proposed public park, provide additional details on specified landscape areas, full details on all plant material and provide Landscape and Maintenance Schedules.
- Address Strategic Transport issues: Revisions to proposed footpaths as specified, improved permeability, provision of additional bicycle parking for Block E, and provide a justification for the low car parking provision.
- Address Traffic and Transport issues: Review the volume of traffic generation and revise the Traffic and Transport Assessment.
- Address the following Drainage Department issues: Full details on surface water drainage/ proposed SUDs measures and demonstrate that regard is had to specified documents on Nature Based management of surface water drainage.

- Address issues raised by Infrastructure Department: Provision of footpaths and access to the greenway.
- Provide an independent Quality Audit in accordance with DMURS.
- Address issues raised in relation to Biodiversity: Provide a Biodiversity Enhancement Section, details on wildflower seeds, details on tree root protection zones and address issues raised in the Cork City Development Plan about trees – retention/ removal and protection. Notes with concern the number of trees to be removed to accommodate Blocks C and D.
- Address following Environment issues: Provide a Noise Impact Assessment, a Waste and Operational Management Plan, a Construction and Demolition Waste Management Plan and provide details on energy use.
- Ensure that issues raised in the Inland Fisheries Ireland report are fully addressed.
- Provide a statement on how the development has considered climate resilience.
- Provide a Scheme Sustainability Statement in accordance with Sections 11.271 – 11.273 of the Cork City Development Plan.
- Identify all wayleaves/ rights on way that may be on site.
- Provide an Invasive Species Management Plan.
- Demonstrate compliance with the objectives of the Development Plan.
- Address article 299B(1)(b)(ii)(II) and article 299B(1)(C) of the Planning and Development Regulations 2001 as amended.
- Provide an AA Screening/ NIS, an EclA and address requirements of the Biodiversity Officer.
- Provide a statement of response to each of the above raised issues.

- The applicant lodged the application on the 22nd of December 2025, within 6 months of the issued opinion and which is in accordance with Section 32(A)(2) of the Planning and Development Act 2000 as amended.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided to grant permission subject to conditions. A total of 70 Conditions were included with the grant of permission, and these are generally standard, though the following, summarised, are noted:

Condition 2:

Carry out the development in accordance with the details/ particulars of the submitted Environmental Impact Assessment Report and the Natura Impact Statement.

Condition 3:

Omit Block C, its associated access road/ car park and to submit revised plans/ details demonstrating this.

Condition 4:

Omit the fifth storey of Block E and to submit revised plans/ details demonstrating that Block E is a maximum of four storeys in height.

Condition 5:

Employ a suitable professional with specialised conservation expertise, to ensure the completion of the development in accordance with best conservation practices.

Condition 6:

Provide a details method statement for the repair/ conservation of the existing historic Buildings A and B, including boundary wall and gates.

Condition 7:

Works to Buildings A and B should be undertaken first.

Condition 9:

Employment of an Archaeologist on site.

Condition 10:

Provision of a Forensic Archaeological Strategy. Monitor and map all ground works, method of excavation is stated, record any materials found and process if any human remains are found on site. Control of access to the areas to be excavated are to be put in place.

Conditions 13 - 17:

Details of footpaths/ access to be finalised with Cork City Council.

Condition 18:

Bridge and access to the greenway to be provided in the first phase of development and prior to the occupation of any residential units.

Condition 46:

Details of the location of the 225mm diameter foul drainage sewer are to be agreed with Cork City Council's Infrastructure division.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning report reflects the decision to grant permission subject to conditions. The report identifies a concern with Block C in that it would have a negative impact on the historical setting of Bessborough House and associated grounds/ garden. This issue was raised by the Conservation Officer, Senior Parks and Landscape Officer and the Biodiversity Officer. It is therefore considered appropriate that Block C and its associated car parking/ access road be omitted. The development, otherwise, was considered to be acceptable, would provide for sustainable residential densities and no issues of concern were raised through assessment of the submitted EIAR and supporting documentation.

I note Section 19.13 – 'Mother and Baby Home Legacy' and the Planning report has provided a detailed history and background to this significant aspect relevant to Bessborough. It is reported that the subject site is some distance from sites where permission has been refused and much of the site is on lands where buildings are located, and which have been in place since before the use of the site as a Mother and Baby Home. The Planning Authority decided to remove Block C and as a result, the majority of the development area is within the location of existing buildings except

for a section to the north-east corner. The Planning Authority recommended that a condition (No.10) be included that provided for forensic monitoring of the subject site.

Other Technical Reports

- Environment Report: No objection subject to conditions ensuring the implementation of measures identified in the submitted EIAR.
- Transportation Report: No objection subject to recommended conditions. Notes the proposed improvements of public transport in the area, need for suitable connection to the greenway, existing junctions have capacity for additional traffic, revisions to proposed footpaths and ensure that suitable permeability is provided for.
- Housing Report: No objection subject to condition.
- Parks and Recreation Report: Recommend that permission be granted subject to conditions. Requests that Block C be removed, including its access road/ car parking to ensure that the integrity of the existing woodland be protected.
- Conservation Report: No objection subject to recommended conditions. These include the omission of Block C and the reduction in height of Blocks D and E by one storey each.
- Drainage Report: No objection subject to recommended conditions.
- Archaeologist Report: No objection subject to recommended conditions.
- Biodiversity Report: No objection subject to recommended conditions.
- Capital Projects Report: No objection subject to recommended conditions.
- Development Contributions Report: No objection subject to recommended conditions.
- Urban Roads & Street Design Report: No objection subject to recommended conditions.

4.2.2. Prescribed Bodies

- Uisce Éireann: No objection. Water supply connection is feasible subject to upgrades to the local network including an upsizing of 150m of 150mm diameter

watermain to 200mm diameter. Upgrades may not meet the requirements of the Fire Authority. Foul drainage connection is possible without the need for infrastructure upgrades; the proposed foul drainage network is noted.

- Inland Fisheries Ireland (IFI): No objection subject to conditions in relation to adequate disposal of foul drainage and ensure that there is no impact on existing watercourses without the approval of IFI.
- Cork City Childcare: Provides details of existing childcare and potential capacity in the immediate area. Welcomes the proposed facility and additional places available for the wider area.

4.2.3. Third Party Observations

2 submissions were received to the original application as made to Cork City Council – these were from Councillor Peter Horgan and the Bessboro Mother & Baby Home Support Group; these are also the third party appellants.

Issues raised are similar to those in the grounds of appeal and in summary they include:

- Impact on this important site, which may include lands where large scale burials took place.
- The subject site is located on lands that have a cultural sensitivity.
- The proposed development would materially contravene the Cork City Development Plan in terms of non-compliance with appropriate housing mix requirements.
- The provision of housing on lands with a heritage/ cultural sensitivity conflicts with the zoning objective here. This is also contrary to National/ Regional policy as set out in the National Planning Framework and the Southern Regional Spatial and Economic Strategy.
- The development would have a negative impact on the established character of the area and would result in the loss of greenspace and mature trees/ planting.
- Materially contravention of a plan requires a new SEA procedure.
- Requests that the lands be acquired under CPO and that a new public park/ memorial be provided on this site.

- The history of refused permissions on this site is noted, and the raised issues have not been adequately addressed.
- Concern about the deliverability of the proposed development.

5.0 Planning History

ABP Ref. 313206-22 refers to a July 2025 decision to refuse permission for the demolition of existing buildings, construction of 140 no. apartments, creche and associated site works on the subject site. A single reason for refusal was issued as follows:

‘Objective 11.2 Dwelling Size Mix and Table 11.8 of the Cork City Development Plan 2022 - 2028 set out clear unit mix requirements to be adhered to except in exceptional circumstances where justification is provided. The unit mix proposed does not meet the target levels set out under Table 11.8 for any of the proposed unit types and does not conform to the unit mix ranges that would be acceptable subject to adequate justification on the basis of market based evidence. No Statement of Housing Mix in accordance with Objective PO1 of the Housing Strategy and Housing Need Demand Assessment of the Supporting Studies accompanying of the Cork City Development Plan 2022 - 2028 has been submitted and, therefore, no justification has been provided in relation to the unit mix proposed. The Commission is therefore not satisfied that the proposed development meets the requirements of these objectives. The Commission considers that the proposed development materially contravenes the Development Plan in relation to the provision of unit mix requirements. This issue has not been addressed in the applicant’s Material Contravention Statement and the subject application, and therefore, does not meet the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The Commission, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, and is precluded from granting permission.’

Other applications in the area:

ABP Ref. 313216-22 refers to a July 2025 decision to refuse permission for a Strategic Housing Development consisting of 280 no. apartments, creche and

associated site works on lands to the east of the subject site. Two reasons for refusal were issued, in summary as follows:

1. The unit mix was not in accordance with Objective 11.2 of the Cork City Development Plan 2022 – 2028, and the proposed development would materially contravene the Cork City Development Plan.
2. The proposed development by reason of its excessive and sustained scale, bulk and mass combined with its height and plot ratio, would be visually obtrusive, would constitute a substandard form of development and would be contrary to the proper planning and sustainable development of the area.

ABP-315820-23 refers to a September 2024 decision to refuse permission for the construction of 92 apartments, crèche, and all associated site works. This site is located at the southeastern corner of the subject site within the historic curtilage of Bessborough House.

Two reasons for refusal were given as follows:

1. Having regard to the Boards decision to refuse permission for a previous application (ABP-308790-20), the Board is satisfied that no new material information or evidence has been presented in this application to substantiate a different conclusion following that previous decision. The Board considers that the potential exists for the presence of human remains and/or burials at this proposed development site associated with the former use of the lands as a Mother and Baby Home over the period 1922 to 1998. The Board considers it would therefore be premature to grant permission for this proposed development prior to establishing the extent of human remains and/or burials, if any, and that such matter extends beyond the scope of normal planning conditions particularly having regard to the impacts this may have on the development as proposed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, scale and design of the proposed apartment blocks, and to their poor relationship to the historic landscape which forms the setting of

Bessborough House, a Protected Structure, and its folly and landscaped gardens, it is considered that the proposed development, notwithstanding the revised scheme submitted with the grounds of appeal, would result in isolated residential blocks which would be visually obtrusive within the curtilage and adversely affect the character and setting of the Protected Structure and the associated folly which sits within a Landscape Protection Zone, and would comprise haphazard, piecemeal development which would dominate this historic landscape and detract from the character of the landscape which is designated as an Area of High Landscape Value in the Cork City Development Plan 2022-2028. The proposed development, therefore, seriously injure the visual amenity and heritage assets of this important historic landscape, would be contrary to Objectives 6.12 and 6.13 (Landscape), and 8.19 and 8.20 (Protected Structures) in the development and would, therefore, be contrary to the proper planning and sustainable development of the area.

ABP-309560-21 refers to a July 2021 decision to refuse permission for 67 apartments and site works. This site is on lands within the curtilage of Bessborough House adjacent to the subject site. The single reason for refusal referred to the location of the site within lands zoned ZO12 – Landscape Preservation Zone and the proposed development by reason of its location, height and scale would result in a haphazard form of development that would result in an isolated apartment block in a protected landscape.

ABP-308790-20 refers to a May 2021 decision to refuse permission for 179 no. apartments, creche and all associated site works within the curtilage of Bessborough House adjacent to the subject site. A single reason for refusal referred to the former Mother and Baby Home and the development would be premature prior to establishing if there is a children's burial ground located within the site and the extent of any burial ground.

6.0 Policy Context

6.1. National Policy

6.1.1. National Planning Framework First Revision – April 2025

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 12 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 22 provides that ‘In urban areas, planning and related standards, including, in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.’

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.’
- National Policy Objective 43 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.’
- National Policy Objective 45 seeks to ‘Increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building heights and more compact forms of development.’

6.1.2. Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities – Design Standards for New Apartments, (DHLGH, 2025) – referred to in report as Apartment Guidelines 2025.
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024) – referred to in report as Compact Settlements Guidelines.
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018) – referred to in report as Building Height Guidelines.
- Architectural Heritage Protection - Guidelines for Planning Authorities (DAHG, 2011).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Development Management - Guidelines for Planning Authorities (DoEHLG, 2007) referred to in report as Development Management Guidelines.
- Childcare Facilities Guidelines for Planning Authorities (2001) – referred to in report as Childcare Guidelines.

Other Relevant Policy Documents include:

- Climate Action Plan 2024 and Climate Action Plan 2025
- National Biodiversity Action Plan 2023 – 2030
- Delivering Homes, Building Communities 2025 – 2030
- Design Manual for Urban Roads and Streets (DMURS) - 2023 Update.
- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.
- Circular Letter: NRUP 05/2022 – (DHLGH)
- www.sacredheartsjm.org/independent-historical-and-archaeological-report-burials-bessborough-2022 - Includes a number of relevant reports.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy for the Southern Region

The Regional Spatial and Economic Strategy (RSES) for the Southern Region provides for the development of nine counties (The Six Munster Counties plus Wexford, Carlow, and Kilkenny) including the Cork City area and supports the implementation of the National Development Plan (NDP). Cork City and suburbs is the largest settlement in the Region with a population of over 208,000. Cork City is one of three cities categorised as Metropolitan Areas in the RSES.

6.3. Local/ County Policy

6.3.1. Cork City Development Plan 2022 - 2028

The Cork City Development Plan 2022 - 2028 is the current statutory plan for Cork City, including the subject site. The subject site is subject to two zonings as follows on Map 06:

ZO17 – ‘Landscape Preservation Zones’ – Site SE4 and which has an objective ‘To preserve and enhance the special landscape and visual character of Landscape Preservation Zones’. Also stated here:

ZO 17.1 – ‘These areas have been identified due to their sensitive landscape character and are protected due to their special amenity value, which derives from their distinct topography, tree cover, setting to historic structures or other landscape character.’

ZO 17.2 – ‘Many of these sites have limited or no development potential due to their landscape character. There is a presumption against development within this zone, with development only open for consideration where it achieves the specific objectives set out in Chapter 6 Green and Blue Infrastructure, Open space and Biodiversity.’

The site is also subject to Site Specific Objective SE4.

A smaller area of land to the east is zoned ZO 01 – ‘Sustainable Residential Neighbourhoods’ and with an objective ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses’. These lands are also indicated to be within an ‘Area of High Landscape Value’.

To the east of the site are 'Walkways & Cycleways' indicated on the site of the Passage East Greenway.

Map 06 of 'Density & Height' indicates the site to be within 'Primary Urban Corridors and Principal Towns'. The site is located within the 'Mahon' area. Density is between 50 – 120 dph, building heights of 4 – 6 floor are considered and there is a Floor Area Ratio (FAR) target of 1-4.

The majority of the site is within Car Park Zone 3 with a section to the east within Zone 2.

In terms of built heritage, the following are noted:

- RPS No. PS490 refers to Bessboro Convent (Central Block). This is located to the north east and outside of the subject site.
- NIAH Reg. 20872006 refers to Bessborough – Farmyard Complex. This is located to the east and outside of the subject site.
- NIAH Reg. No. 20872005 refers to Bessborough House, which was a Country House, becoming a Convent/ Nunnery over time. This structure dates from 1755 – 1765 and has a Regional Rating. This is located to the south and outside of the subject site.

Chapter 2 provides the 'Core Strategy'. There is a target for a 60% population growth by 2040 with 125,000 people living in the city area over the 20 years from 2022. For the South East area, which includes the subject site, there is a target of 14% population growth to 2028 as per Table 2.2 'Core Strategy Table 2022 – 2028'.

Chapter 3 – 'Delivering Homes and Communities'. Table 3.2 provides the 'Housing Supply targets per annum' and 16,236 homes are to be provided by 2028.

Objective 3.4 (part of) states 'Cork City Council will seek to ensure that at least

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

Chapter 4 – ‘Transport and Mobility’. Two Core Bus Corridors are identified in this area: CBC 11 – ‘Jacobs Island to City Centre via Balinlough’ and CBC 12 – ‘Mahon to City Centre via Balintemple’.

Objective 4.1 CMATS states ‘Cork City Council will work in cooperation with the NTA, TII and Cork County Council to fully implement the Cork Metropolitan Area Transport Strategy subject to detailed engineering design and environmental considerations, including the projects and programmes in relation to walking, cycling, public transport, BusConnects, suburban rail, light rail, park and rides and roads infrastructure, including the Northern Distributor Road and Southern Distributor Link Road.’

Objective 4.5 Permeability states ‘a. All new development, particularly alongside the possible routes identified for public transport improvements, shall include permeability for pedestrians, cyclists, and public transport so as to maximise its accessibility.

b. To maximise permeability, safety, security and connectivity for pedestrians and cyclists by creating direct links to adjacent roads and public transport networks in accordance with the provisions of statutory guidance as prescribed.

c. Prepare a permeability strategy for areas throughout the city.’

Chapter 6 provides ‘Green and Blue Infrastructure, Open Space and Biodiversity’ and under Table 6.9 are ‘Site-specific Landscape Preservation Zone Objectives (SE)’. For the subject lands, under **SE4**, the site specific objectives include:

- To reinstate Historic Landscape;
- To seek use of grounds as a Neighbourhood Park in context of local area plan (H);
- To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.’

Under Table 6.12 ‘Other Park Open/ Space Projects’ includes ‘Bessboro Neighbourhood Park’.

Chapter 10 – ‘Key Growth Areas and Neighbourhood Development Sites’.

Objective 10.89 – Mahon States:

- ‘a. To support the development of Mahon as an area for growth consolidation and enhancement by providing a mix of new neighbourhood uses.
- b. To support the sustainable development of the District Centre as a mixed-use centre in line with retail and other relevant objectives.
- c. To support the regeneration of the Avenue de Rennes Neighbourhood and Local Centre as a mixed-used development.
- d. To support the development of a library and youth facility to serve the Mahon and Blackrock areas to meet the growing needs of these communities. Cork City Council will work with stakeholders to realise these community assets.’

Chapter 11 – ‘Placemaking and Managing Development’.

6.3.2. **Variations to the Cork City Development Plan**

Variation No.1 – Maximum Car Parking Standards – Adopted on the 8th of May 2023.

Variation No. 2 – Cork Docklands – Adopted on the 14th of July 2025.

Variation No. 3 – NPF Implementation – On public display from 5 April 2026 to 13 May 2026. This includes the incorporation of all Section 28 Guidelines since the adoption of the Cork City Development Plan 2022 – 2028 including the Apartment Guidelines 2025. No decision has been made to date.

6.4. **Natural Heritage Designations**

- Douglas River Estuary pNHA (Site Code 001046) is located approximately 0.35km to the south east of the subject site.
- Cork Harbour SPA (Site Code 004030) is located approximately 0.35km to the south east of the subject site.

7.0 **The Appeal**

7.1. Grounds of Appeal

Two third Party appeals were received opposing this development and the applicant has also lodged a first party appeal.

I have summarised the third party appeal issues under the following headings:

History of the Site:

- The Planning and Cultural Heritage history of this site has been detailed. A significant number of infant burials took place on site and exact locations cannot be identified.
- The appeals refer extensively to the 'Commission of Investigation into Mother and Baby Homes' which was published in January 2021. There is uncertainty over the presence or not of burials on the Bessborough lands.
- The previous decisions to refuse permission are highlighted and it is considered that the applicant has failed to adequately address these reasons for refusal.
- The only way to ascertain if there are burials on site, is to excavate the entire property including the subject lands. There is no certainty about the potential location of these burials on the overall lands. Experience elsewhere puts doubt on potential identified locations.
- A recommended non-invasive geophysical survey of the site and a LiDAR survey have not been undertaken to date.
- Reference to test trenching is misleading as this was undertaken to the southeast of the subject site and not on the subject lands.
- No new evidence has been provided about the potential location of burials on these lands.
- Some evidence exists that burial took place in the area of the historic folly (NIAH 20872007) and which is located to the south east and outside of the subject application site.
- The site cannot be considered greenfield in the usual context of such a site description.
- Uncertainty exists over the location of burials associated with Bessborough.

Decision of the Planning Authority:

- Concern was expressed about the decision of the Planning Authority to grant permission subject to Condition No. 10. This seeks to provide a 'Forensic Archaeological Monitoring Strategy' and which would be contrary to the Development Management Guidelines, 2007.
- Elements of this condition should be undertaken in support/ prior to the lodging of the application and should not be addressed by way of condition.
- The condition as worded is not precise, reasonable or enforceable.
- If burials were located on the subject site, it is possible that the proposed development would be unimplementable. Remains found on site may or may not be removed, there is no certainty over this issue.
- Reference is made to the Tuam Mother and Baby Home and site works were approved in July 2022 but work only commenced in July 2025 and are expected to take 24 months to complete. A similar situation would result in the permission expiring prior to the completion of such works.

Issues of Concern with the submitted Environmental Impact Assessment Report (EIAR):

- The submitted EIAR has failed to consider alternatives in accordance with relevant guidelines. No alternative locations were identified/ considered.
- The 'Do-Nothing' scenario was effectively dismissed in the submitted EIAR.
- Not all of the site is zoned for residential use and the section zoned ZO17 – Landscape Preservation Zone should not be developed for residential/ related uses.
- There is no reference to residential development on these lands in the submitted Strategic Environmental Assessment (SEA).
- These lands should be developed for community facilities or a memorial park.
- Reference is made to the proposed development of the lands around Bessborough House for use as a neighbourhood park – this was set out in the expired Mahon Local Area Plan.
- It is considered that the development of the site as a park should have been considered as an alternative in the EIAR. Reference is made to Sections of the

Cork City Development Plan that seek to provide for suitable parks/ open space throughout the city area.

- Reference to test trenches in the submitted EIAR is misleading as these undertaken on a different part of the Bessborough lands and not relevant to the subject site.
- It is noted that the applicant, through their archaeologist, considers there to be potential for unrecorded burials to have taken place on the overall lands.
- The 'Method Statement: Forensic Control' provided in Appendix 10.5 of the EIAR does not provide for 'a comprehensive, pre-permission site characterisation of the burial areas within the estate'.
- It is considered that the EIAR is not complete as there is no certainty provided in relation to the potential for burials on this site.
- Insufficient details in relation to monitoring as they do not detail how potential burial sites would be identified during the excavation phase of this development.

Piecemeal development of a historic landscape:

- The site forms part of a larger area of land and which has a national, cultural and religious significance in addition to it being an area of high landscape value. The importance of Bessborough House and the presence of architecturally/ archaeologically important features are reported.
- The development of these lands is piecemeal, and no masterplan has been provided which would provide for a coherent framework for the development of these lands in an integrated manner.
- The revisions proposed to the apartment blocks (removal of Block C and reduction in heights of Blocks D and E) demonstrates that the Planners, Architects and Conservation Officers are not of the one opinion as to how these lands should be developed.
- The significant revisions made to the proposed development radically change the scheme and permission should be refused.

Other Issues:

- It is considered that the proposed development would be ‘incompatible with and constitutes an unwarranted interference with fundamental human rights under the European Convention of Human Rights...’.
- Contrary to rights guaranteed in the Constitution.
- Legal issues may arise due to Conditions 9 and 10 as the discovery of human remains may trigger requirements under the Coroners Act 1962 as amended and under the Institutional Burials Act 2022. The first Act requires the finding of human remains to be reported, which may delay development and the second may result in the establishment of an Office of Director of Authorised Intervention. Both cases would result in work stopping on site and delays in the completion of development.
- The proposed development relies on the Apartment Guidelines 2025 in terms of meeting the requirements for unit mix. These guidelines are currently subject to Judicial Review due to failure to carry out a Strategic Environmental Assessment (SEA) of these guidelines. Elements of this case were referred to the Court of Justice of the European Union (CJEU). This process could take up to 18 months and would delay the development of this site. It would be premature for the Commission to uphold the grant of permission on the basis of SPPR1 (unit mix) of the Apartment Guidelines.

In both cases, it was requested that the decision of the Planning Authority be overturned and permission refused for this development. Supporting documentation was provided and this is noted.

7.2. Oral Hearing Request

An oral hearing was requested by Peter Horgan. In summary four core items were raised in the appeal:

1. A failure by the Applicant and Planning Authority to adequately address the previous reasons for refusal relating to the potential for a children’s burial ground within the site, associated with its former use over the period 1922 to 1998;
2. Condition No. 10 is not in accordance with the Guidelines for Planning Authorities for Development Management;

3. The Environment Impact Assessment has failed to adequately consider alternative proposals;
4. The development represents piecemeal, ad hoc development of a historic landscape.

The grounds of appeal do not raise a specific need for an oral hearing to be held. It was considered that adequate information was provided by the applicant to enable an assessment of the proposed development. The grounds of appeal refer to four specific items, and it was considered that the applicant's submitted documentation was adequate for these grounds to be fully assessed. It was considered that the holding of an oral hearing would not elicit additional vital information and there was sufficient information available to enable an assessment of this application without requiring an oral hearing.

7.3. First Party Appeal

The first party appeal refers to Condition 3 – omission of Block C and Condition 4 – Removal of a floor from Block E. The following points are made:

- Full regard has been had to SPPR 1 of the Apartment Guidelines which seeks to remove the need for specific housing mix with no maximum or minimum type of units to be specified.
- The applicant noted the history of applications on this site and the previous refusal reason have been overcome.
- The details provided in the application/ assessment demonstrate that Block C will not have a negative impact on Bessborough House, its curtilage or the wider demesne setting. Block C will have a positive impact on the character of the area.
- The height of Block E is considered to be appropriate to its location on this site. No heritage or environmental impacts of significance were identified in relation to the proposed Block E.
- No issues of concern were raised by the Planning Inspector under ABP Ref. 313206-22 in terms of design or impact on the character of the area.

- These elements of the proposed development demonstrate compliance with all relevant planning policy.

Block C

- Note the comments of the Parks Department in relation to the need to omit Block C to protect existing woodland. The trees here, that would be removed, are relatively recent with the original trees removed in the last 20 – 30 years. Of the 49 trees to be removed, 16 are native species and 3 are graded as Category A trees. 116 new trees are to be planted as mitigation for this loss.
- A proposed Parkland Management Strategy will set out how the parkland will be managed over the next 20+ years.
- No specific reasons for the omission of Block C in terms of protection of Biodiversity have been provided by Cork City Council. The proposed development will support biodiversity into the future.
- Block C was proposed having regard to consultation held with the previous Cork City Architect. The layout in conjunction with other proposed blocks would provide for good supervision of the public open space areas.
- The impact of Block C on the approach to the main house has been fully considered in the design and has regard to how the layout was in the past. The applicant is confident that Block C would not have a negative impact on Bessborough House and its curtilage. Requests that Condition No. 3 be removed.

Block E

- It appears that the removal of a floor from Block E is proposed to ensure that the character of Bessborough House is protected.
- Full regard was had in the design of the proposed development as to what the impact on Block E may be. This building is 78m away from Bessborough House.
- The applicant considers the design, and material finishes of Block E to be appropriate in this location.
- Notes concerns raised by the Conservation Officer about the submitted Landscape and Visual Impact Assessment. The applicant has addressed this by setting out

the background to this assessment. The original practice who produced photomontages for the SHD application were unable to support the LRD application. Revised details were provided in including images from different locations. There was no attempt made to confuse matters.

Other Issues

- Notes comments made by the Senior Planning Officer that the revised development would provide for more sustainable residential densities. It is not clear if this as a result of the removal of Block C and a floor in Block E. The applicant has set out their justification for density in their submitted reports.
- No issues of concern were raised about density in the previous Commission decision.

Supporting documents are provided with the first party appeal.

7.4. Third Party Response to First Party Appeal

The Bessboro Mother and Baby Home Support Group have made a response to the first party appeal and the other third party appeal. In relation to the first party appeal, the following points are made:

- Reiterate concern that there may be unrecorded burials on site and no excavation, geophysical or other surveys have been undertaken within the boundary of the subject site.
- Notes the first party appeal and their issues regarding the removal of Block C and revisions to Block E, but no further comment is made on this.
- Note the applicant's reliance on previous ACP decisions on design issues but they do not address the issue of burials here. Continue to oppose the reliance on forensic monitoring during the excavation phase.

Requests that the first party appeal should be dismissed in full.

7.5. Third Party Response to Third-Party Appeal by Cllr. Peter Horgan.

The Bessboro Mother and Baby Home Support Group have made a response to the third-party appeal by Cllr. Peter Horgan. The following points are made:

- Support the appeal to the extent that it overlaps with the Bessboro Mother and Baby Home Support Group own grounds of appeal. The issue of unknown burials is a concern raised in both third party appeals and this needs to be addressed prior to development on site.

Requests that the third-party appeal by Cllr. Peter Horgan should be upheld in full.

7.6. Applicant Response to Third Party Appeals

The applicant has provided a detailed response to each of the third party appeals. The background to the application and an overview of the issues raised in objection to the application and subsequent appeals is provided. The site is suitably zoned for residential development, and the principle of development has been accepted by Cork City Council and An Coimisiún Pleanála. Development has been permitted and constructed on the wider Bessborough Estate, over 200 acres, since 2000. No recorded burials have been found to date.

Burials were limited to the existing graveyard and in the enclosure attached to the Folly – details are from independent archaeological assessment commissioned by the Sacred Hearts of Jesus and Mary, and which are publicly available. Assessments have been undertaken by the applicant, and no evidence exists that unrecorded burials are located on the subject lands. The applicant recommends that a precautionary approach be taken and that a programme of archaeological investigation/ monitoring of all ground works be provided for. Details of this are provided.

It is noted that the previous application was refused due to non-compliance with the Cork City Development Plan Housing Mix and this has been fully addressed in this application.

The applicant refers to the comments made in the third party appeal about the appropriateness of Condition No. 10 in the grant of permission issued by Cork City Council. The applicant has sought legal opinion on this issue, details provided in Appendix B to their report, and there is nothing precluding the Commission from including such a condition. Further reference is made to the Commission decision

under ABP Ref. 313206-22 and that the subject lands are a significant distance from the Folly and known burial grounds on the overall former Bessborough lands.

The applicant has summarised each of the issues raised in the appeal in their Table 01. The following comments are made:

- **Risk of Disturbance of Humans Remains:** The background to site testing is provided; there are limits to what can be done in the absence of a planning permission. There is no evidence to suggest that there are unrecorded human remains on site; there is independent evidence to support this. A conclusion is that there was one burial site in this area and it served both children and nuns. LIDAR surveys found no unrecorded archaeological sites within undeveloped areas of the landholding. The available information, and the proposed Forensic Control approach which includes provision for a geophysical survey, allows for a conclusion that groundworks can take place without any risk of disturbance of remains.
- **Planning History:** Both third party appeals refer to the planning history of the subject site. Reference to potential presence of human remains in previous planning applications refers to other sites that are not part of the subject lands. Reference is made to the issue of 'uncertainty' however the applicant notes that the third party appeals do not refer to the decision of the Commission to not accepting the Inspector's recommendation to refuse permission due to the potential for unrecorded burials on these lands. There is third party opposition to the pre-development excavation of the Bessborough lands and the proposed Forensic Monitoring during excavation, is considered to be the most appropriate method and which respects all positions raised about the potential for impact on these lands.
- **Implementation:** The decision of the Commission under ABP Ref. 313206-22 makes clear that there is a clear distinction between different areas of land that have been proposed for development. The applicant's legal advice is that there is

no preclusion on the Commission from including a condition that is similar/ the same as that provided by Cork City Council under Condition No. 10.

The applicant addresses other legal issues raised in the appeals. The requirements under the Coroners Act 1962 are noted and if human remains are found on any site, clear legal requirements are set out to be followed. Similarly, the requirements of the Institutional Burial Act are clearly understood. Reference to Circular NRUP 05/2022 can be dismissed as there is no evidence of unrecorded human remains on this site.

- Other Legacy Matters: The information provided in the appeals would appear 'to indirectly undermine the independently commissioned and prepared evidence of Eachtra Heritage and Dr Aoife Bhreatnach on behalf of the Sisters of the Sacred Hearts of Jesus and Mary' which provided evidence on burials on the Bessborough lands. The independent reports are available on publicly available websites. The proposed Masterplan includes the provision of a Remembrance Park.
- EIAR: Claims are made in the appeals that Chapter 10 is deficient as insufficient details are provided on effects and suitable mitigation measures – this refers to the potential for unrecorded burials on site. The applicant strongly rejects this. The development will comply in full with all statutory requirements. In relation to Chapter 3 – Alternatives, the applicant is satisfied that the submitted EIAR demonstrates compliance with the EIA Guidelines. The lands have been zoned as part of the Cork City Development Plan and for which SEA has been undertaken. The site is zoned for residential development and there are no other alternative locations for this development. The proposed development including the submitted landscaping plan ensure that the proposal will demonstrate compliance with the requirements of SE 4 as applicable to these lands. Alternatives were considered in the design of the proposed layout/ development.
- Apartment Guidelines: The appeal by Carmel Cantwell stated that there should be no reliance on the requirements of SPPR 1 of the Apartment Guidelines as these are currently the subject of legal challenge. The applicant has noted the requirements of the guidelines as issued under Section 28 of the Planning and

Development Act. Cork City Council raised no concern about the proposed unit mix.

- **Piecemeal Development:** The development is considered to be piecemeal in nature and is not subject to a prepared masterplan. The applicant has rejected this and reports that a masterplan has been provided in support of the application. Work is ongoing in the preparation of an application on the adjoining lands known as The Meadows. Notes comments made about the removal of Block C and revisions to Block E, the applicant has submitted a first party appeal about these.
- **Human Rights:** The applicant notes the comments made that the development interferes with fundamental human rights. There is no evidence of any unrecorded human remains on these lands, and the appeals have not put forward evidence to support this claim. There are no known human rights infringed by this development which has been lodged in accordance with the planning process.

Conclusion: The applicant acknowledges the sensitivities associated with these lands and the cultural heritage, and planning history of these lands. The Commission have made clear under their decision under ABP Ref. 313206-22 that there is no evidence of unrecorded burials on the subject lands. The applicant has addressed the issue of housing mix, has provided a masterplan for the development of their land and no other issues arise that would warrant the refusal of permission for the proposed development. Included are the following Appendices:

Appendix A: Extracts from the Masterplan.

Appendix B: Legal Opinion prepared by David Browne SC. – Nothing precluding the Commission from granting permission subject to a Condition similar to No. 10 provided by Cork City Council, and nothing precluding a grant of permission due to legacy issues/ previous refusals of permission subject to a clear rationale for doing so.

Appendix C: Recommended Condition – as submitted to Cork City Council.

7.7. Planning Authority Response

None received.

7.8. Prescribed Bodies

None received.

7.9. Observations

A total of 75 observations were received; that from the Clann Project included an additional 157 submissions.

Issues raised are similar to those raised in the two third party appeals. Principle issues include:

- The history of the site and the potential for unrecorded burials on these lands.
- The site is of local and national significance.
- There is no certainty about the status of the lands in terms of location of unrecorded burials – there is a need for development surveys, as appropriate, to be undertaken here.
- The subject site is a potential crime scene.
- Potential impact on protected structures and recorded monuments.
- Reference is made to potential legal issues if remains are found.
- There is a need to preserve the site and to provide for a suitable memorial on these lands – these may be in the form of preservation of the site as is at present.
- Contrary to Human Rights.
- Negative impact on trees, woodlands, biodiversity and wildlife on site.
- There is a need to protect green spaces such as this.
- Support given for Cork City Council proposal to CPO these lands.
- Not satisfied with information provided including the EIAR and traffic impact details.
- Negative impact on the area through increased traffic and lack of facilities to serve the future residents.
- Wastewater treatment and capacity issues have been a problem in this area over the years. This proposed development would add to such concerns about available capacity.

8.0 **Assessment**

8.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Status of the Subject Lands
- Principle of Development
- Location of Development and Cultural Heritage
- Layout of the Proposed Development
- Quality of Proposed Residential Amenity
- Traffic and Access
- Infrastructure and Flood Risk
- Other Matters
- Appropriate Assessment (AA)
- Environmental Impact Assessment (EIA)

8.2. **Status of the Subject Lands**

8.3. I wish to state at the onset that I appreciate the complex history associated with Bessborough House and its adjoining lands. As with all appeals, full consideration has been given to the issues raised in the third party appeals and third party observations, the report from Cork City Council, in addition to the documentation provided by the applicant.

8.4. **Principle of Development**

8.4.1. **Background:** The principle of development, including land use zoning, was not raised as an issue of concern in the third party appeals. Concerns primarily focused on impact on potential unknown burials, the quality of information provided in the EIAR, and impact on human rights. An issue that did arise was concern that the development would be piecemeal.

8.4.2. **Nature of Development:** The proposed development provides for the demolition of existing agricultural buildings, sheds and a log cabin and the construction of three apartment blocks providing for 140 residential units. The three apartment blocks are

labelled Blocks C, D and E. Block C and D are located on lands zoned ZO 17 – Landscape Preservation Zones and Block E is on lands zoned ZO 01 - Sustainable Residential Neighbourhoods. Two additional blocks are included in this application, Blocks A and B which are existing farm buildings – to be retained and reused as part of this development.

8.4.3. **Planning Authority:** Cork City Council raised no concern about the demolition or alteration of the existing structures on site. Cork City Council were satisfied that the proposed development was acceptable in terms of the Zoning Objectives but sought the removal of Block C on the basis that it would have a negative impact on Bessborough House, which is a protected structure, and its curtilage. For a similar reason a floor of Block E was conditioned to be removed.

8.4.4. **Assessment:** Although the issue of site zoning was not raised as an issue of concern, the site zoning has implications for aspects of this development and clarity is required on this. Two zonings are in place, ZO 01 - Sustainable Residential Neighbourhoods and which allows for residential development, and childcare provision. There is an overlay on this zoning – designating the lands here as an Area of High Landscape Value. Development is to have regard to Bessborough House, the greenway and existing trees on the subject lands and there is a presumption against development that may cause a significant harm/ injury to the character of one of these designated areas.

8.4.5. The rest of the subject lands are zoned ZO 17 – Landscape Preservation Zones and there is a presumption against development unless it achieves specific considerations set out in Chapter 6 of the Cork City Development Plan.

The site is within Area SE 4 and the site-specific objectives are:

- To reinstate Historic Landscape;
- To seek use of grounds as a Neighbourhood Park in context of local area plan (H);
- To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.'

It is therefore possible to build on the lands zoned ZO 17 subject to it not having a negative impact on Bessborough House. The proposed development includes a large

area of land forming the western part of the subject site which is to be developed as a park and be made available to the public. Just to clarify, there is no local area plan in place at present for the subject lands.

I am satisfied that the proposed development is acceptable in terms of the site zoning and the designations that apply here. The impact on the character of the area will be considered in greater depth later in this report.

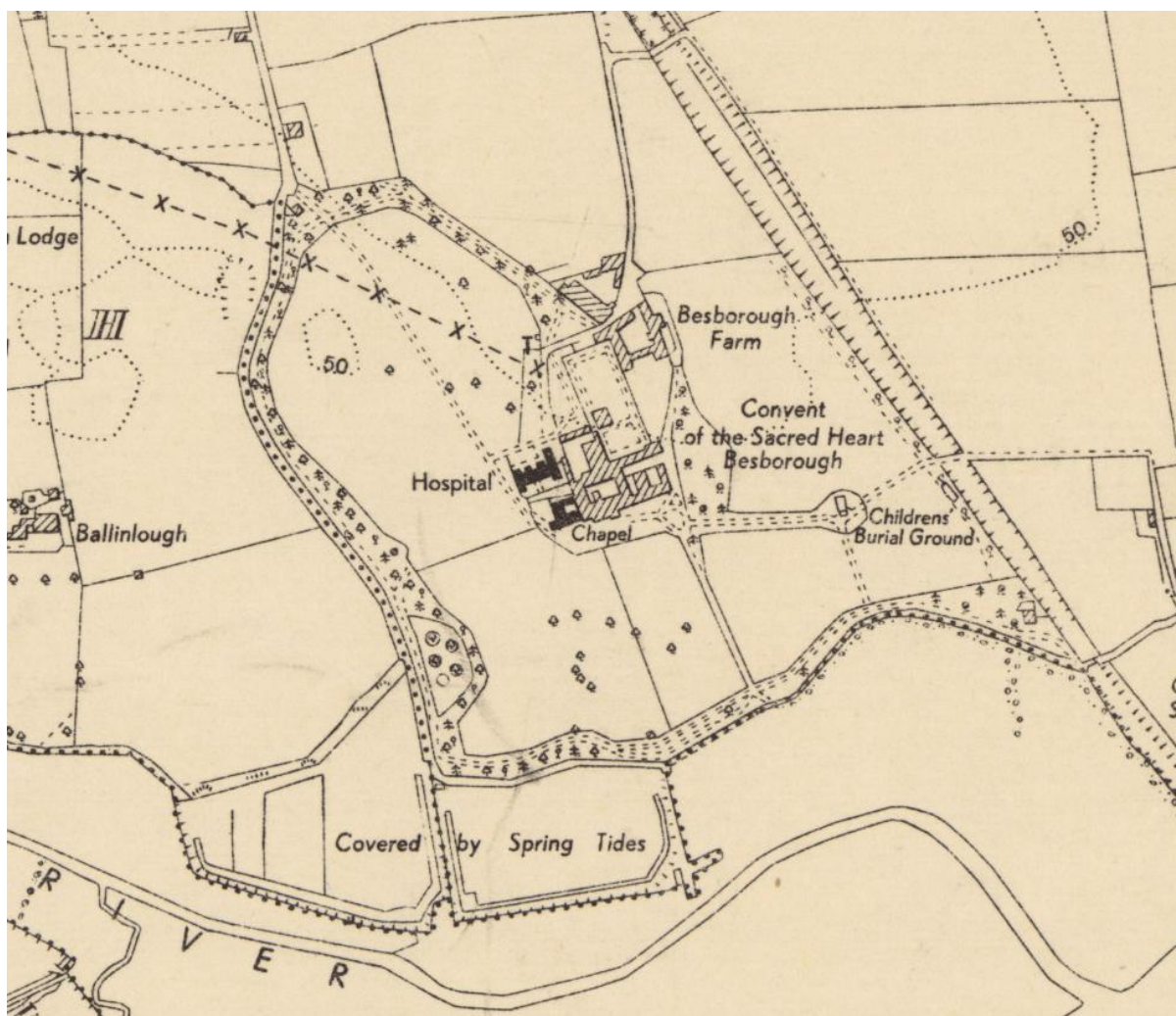
- 8.4.6. **Masterplan:** I note the comment made about the piecemeal nature of the development and that the subject proposal would give rise to haphazard development of these lands. I disagree with this as the applicant has provided a Masterplan which is included in the Architectural Design Statement and in the 'Landscape Design Strategy and Masterplan'. The subject development forms Phase 1 of the masterplan lands, Phase 2 is located to the east of the Bessboro Road/ the subject site and Phase 3 to the west of the subject site.
- 8.4.7. The applicant has indicated through the submitted Architectural Design Statement the areas within their ownership and the information provided indicates that the majority of the Bessborough Lands are within their control. I am satisfied that the lands outside of the applicant's control are not disadvantaged by the proposed masterplan, and existing uses can continue without any known impediment. The indicated areas of public parkland and a Remembrance Park are on lands that are within the ownership of the applicant.
- 8.4.8. The phased development of the lands has regard to existing development on adjoining lands. The proposed bridge/ link to the greenway, with Phase 2 located to its south, will integrate the eastern part of the lands including the subject development with existing development to the east of the site.
- 8.4.9. I am not going to comment on the acceptability or otherwise of the other phases indicated on the masterplan, but I am satisfied that a suitable masterplan has been provided and which gives a clear indication as to how the lands can be developed in a planned manner.
- 8.4.10. **Conclusion on Principle of Development:** I have no objection to the proposed scheme in terms of development on these suitably zoned lands. The demolition of the existing structures is considered to be acceptable, these are not of architectural importance, and their removal will not have a negative impact on the established

character of the area. The applicant has provided a masterplan as part of their Architectural Design Statement, and I am satisfied that this is acceptable and provides a clear direction as to how the overall lands could be developed. The potential impact on the character, visual, and residential amenity of the area are considered in the following sections of my report.

8.5. Location of Development and Cultural Heritage

- 8.5.1. **Appeal:** Two third party appeals were received, and concern was raised about the location of the development and the potential for this site to contain unrecorded burials. The potential for unknown/ unrecorded burials is a serious issue of concern. In addition, it was raised that if human remains were found during the excavation/ construction phase, the development would be required to stop until such time as such issues are resolved. The undertaking of such a process could result in no development activity on this site for an unspecified period of time and potentially the lifetime of the permission could expire over this period of time. The proposed development would be premature in advance of a full forensic excavation of these lands.
- 8.5.2. Condition no. 10 as issued by the Planning Authority – requiring forensic monitoring during the excavation phase, was not considered appropriate to the appellants and concern was raised that this would be contrary to the Development Management Guidelines and would not be precise, would not be implementable and would not be enforceable.
- 8.5.3. The applicant raised no concern about this condition, and they have obtained legal advice which concluded that such a condition could be included with a grant of permission. The applicant also pointed out that no evidence has been provided by third parties as to the location of unrecorded burials within the area of the subject development.
- 8.5.4. **Planning Authority:** No issues of concern were raised about the location of the proposed development. The Planning Authority included Condition No.10 which provides for forensic monitoring of the site during the excavation phase of the development. Specific processes are listed as part of this condition and clearly set out the requirements to be undertaken.

- 8.5.5. **Assessment:** From my reading of the third-party appeals, the potential for there to be unrecorded burials on the subject site is the primary issue of concern. As I have reported, I have had full regard to the planning and cultural history of this site and appreciate the importance of these lands to many people. I note that some of the received observations were from former residents of Bessborough or from other Mother & Baby Homes located within the State, and I appreciate the concern/ worry that they have with a development such as that proposed.
- 8.5.6. I have also read the detailed information provided by the applicant regarding the history of the site and their knowledge to date of potential unrecorded burials on site. I note Section 05 – ‘Cultural Heritage Legacy Considerations’ contained within the applicant’s Planning Statement and which provides a good overview of the history of the lands, their status and any legal requirements that may result from the development of these lands.
- 8.5.7. From our internal mapping system, it is apparent that the farm buildings have been in place on this site for some time and the lands forming the northern part of the site were in agricultural use until more recent times. The location of the proposed Block C is on lands that formed a woodland for some time, prior to the development of the Cork, Blackrock and Passage Railway which opened in the 1850s and which closed relatively early (in the context of more significant number of railway closures in the 1950s and 1960s) in 1932.
- 8.5.8. From the available mapping, the subject lands have had a specific use over the historic period back to at least 1850. The railway line would have formed a hard boundary to the east of the site on its opening. The agricultural buildings have a long history, which is mapped, in the location of the subject development, some of which are to be retained for further use in the proposed development.
- 8.5.9. I refer again to available mapping, and the last edition of the 6 inch map is dated 1957 but was revised prior to this. The 6 inch maps provide for a significant level of detail including details of historic buildings/ structures. I appreciate that there are restrictions as to the level of detail can be provided and the use of aerial photography for example was much more restricted than is the case in modern mapping.



6 Inch map – from Sheet 74 – last edition. Revised 1949 to 1950 and published circa 1957.

I note that on this map there is reference to a 'Children's Burial Ground' which is located to the south east of the Bessborough Lands/ Bessborough Convent and a distance from the subject site. I cannot speculate where or where not unrecorded burials could be found on the overall Bessborough Lands, but from the available information there is no evidence of burials on the subject site.

8.5.10. I note what the applicant and the appellant's state and I consider there to be no conflict here. Both sides accept that there were potentially unrecorded burials on the wider lands, the difference is that the appellants raise concern that the unknown nature in the location of these, could mean that burials took place on the subject site. That is why they have sought that pre-development excavations take place on the entire landholding. The applicant has rejected this and considers that the likelihood is that any burials would be located to the south of the Bessborough lands in the indicated

burial ground or in the area of the former folly. The Commission of Investigation referred to the 'Children's Burial Ground' and an Ordnance Survey revision in 1949/50 which indicated that the extent of burials was much larger than previously indicated. This location is to the south of Bessborough House and there is no indication as far as the applicant is concerned that burials took place to the northern part of the Bessborough lands which includes the subject site.

- 8.5.11. The applicant has reported that the available evidence is that any burials that took place were located to the south of the site and not on the subject lands. This would appear to be a reasonable conclusion to come to having regard to the site layout and history. I note comments made in the third party observations about this being a potential crime scene and development should not take place here, any such report would be a matter for An Garda Síochána.
- 8.5.12. I refer briefly to the planning history of this site. The decision to refuse permission issued in July 2025 under ABP Ref. 313206, on the subject site, was for failure to comply with unit mix and a note in the direction by the Commission allowed for the use of forensic monitoring. Under ABP Ref. 313216, also a decision to refuse permission in July 2025, the permission was refused due to unit mix and design issues including height, bulk and mass but with a note that if granted permission, forensic monitoring should be included. In May 2021 permission was refused for 179 apartments on lands to the south of Bessborough House for a single reason, uncertainty over the presence of not of burials. ABP Ref. 315820 was refused permission due to design and also due to the potential for unrecorded burials on these lands located to the south east of the subject site and partially to the south of Bessborough House.
- 8.5.13. Where permission was refused on the Bessborough lands, the sites concerned were located to the south/ south east of Bessborough House and not in the area of the farm which I have demonstrated to have been in place prior to the use of Bessborough House as a Mother and Baby Home. The available evidence is that no burials took place on the subject lands and on the lands that form Phase 2 – The Meadows.
- 8.5.14. I am of the view that a similar condition to that of No. 10 provided by Cork City Council in their grant of permission may be appropriate in the event that permission is granted for this development. Whilst conditions are to be precise and enforceable, there is no restriction on the provision of a condition that sets out requirements to be undertaken

during a construction phase. Similar conditions apply in the case of a Natura Impact Statement mitigation measures or in terms of potential archaeology on site. The details provided in Appendix 10-4 – ‘Method Statement Forensic Control’ of the EIAR are thorough and clearly outline the stages and processes to be undertaken. These are informed by best practice indicated in the Reference section provided with Appendix 10-4.

- 8.5.15. I am satisfied that such a condition should be included in the interest of clarity as to how the excavation works are to be undertaken. Whilst other measures such as full excavation of the entire lands and use of Lidar Survey have been proposed in the appeals, I am satisfied that the approach indicated will be sufficiently cautious and appropriate for the intended purpose. A full excavation of the site would be extremely disruptive considering that large areas of land will not be impacted/ require excavation to facilitate the proposed development; the lands to the west are not proposed for development and as reported much of the physical development on site is located where existing agricultural buildings are located and which have been in place for a considerable period of time. I am satisfied that limiting excavation to only where it is required is appropriate.
- 8.5.16. The Commission under ABP Ref. 313206-22 stated ‘Having regard to the facts and the totality of information on file, the Commission determined that this proposed site could, subject to careful forensic monitoring of ground works, be more amenable to development in accordance with its residential zoning objective in the Cork City Development Plan 2022-2029’ (sic). A similar note (no.1) was included under the refusal of permission under ABP Ref. 313216-22 which refers to the lands that are included as Phase 2 (The Meadows), east of the subject site. The Commission have therefore accepted that such a condition could be included with a grant of permission for the development of part of the Bessborough lands.
- 8.5.17. **Conclusion on Location of Development and Cultural Heritage:** The issue of potential unrecorded burials was raised in the third party appeals. There is no known history of such burials in the area of the subject development. I am satisfied that a suitable condition should be included in the event that permission is granted to ensure that site excavation is undertaken in a controlled manner.

8.6. Layout of the Proposed Development

- 8.6.1. **Background:** The proposed development provides for 140 residential units in three apartment Blocks, C, D and E and all associated site works etc. Cork City Council removed Block C and all associated access roads and carparking by way of Condition No.3 and through Condition No. 4 Block E was revised such that a floor was to be omitted.
- 8.6.2. **Appeal:** The Third-Party appeals raised no specific issues of concern about the nature of the development, number of units proposed or the general design of the development. The applicant has appealed the conditions of Cork City Council to omit Block C and to revise Block E. The applicant has set out in their appeal that significant consideration has gone into the design of the development, having full regard to the potential impact of the blocks on Bessborough House which is a protected structure. In addition, full consideration has been had to the curtilage and adjoining woodland around Bessborough House.
- 8.6.3. **Planning Authority:** The Planning Authority have made no further comment on the information provided by the applicant in their first part appeal.
- 8.6.4. **Assessment:** I note the issues raised in the appeal and the reasons given by Cork City Council for the removal of Block C and removal of a floor from Block E. From the submitted information, it is clear that concern about the impact of Block C on the rest of the site was raised in pre-planning consultation. Similar concerns were raised about the height of the other blocks including Block E. Some revisions were made to the development prior to the lodgement of the application, and the applicant has reported that they are satisfied that the issues raised by the Planning Authority have been fully addressed. The applicant has prepared a Masterplan which puts the proposal in the context of the overall development of the Bessborough lands.
- 8.6.5. I again restate the site specific objectives for SE 4 which includes the subject lands:
- To reinstate Historic Landscape;
 - To seek use of grounds as a Neighbourhood Park in context of local area plan (H);

- To allow development within the immediate environs to the north of Bessboro House consistent with the landscape and protected structure significance of the site.

Although the lands are zoned ZO 17 – Landscape Preservation Zones, development has taken place to the north west of Bessborough House in the form of the Eist Linn HSE building and I consider this allows for consideration of development in the area of Block C, subject to development being consistent with the landscape and the protected structure.

- 8.6.6. The Cork City Conservation Officer expressed concern that Block C would be located on the site of the original formal gardens, and this element of the proposed development would separate Bessborough House from its associated grounds. In addition, Block C would ‘alter and undermine the last vestiges of the approach landscape setting of the main house’ and would also be visible from the parkland to the east of the driveway.
- 8.6.7. The proposed Block C, and its associated car parking/ access would erode this character. The Cork City Senior Architect reported the design of Block C to be appropriate in this location, but the associated engineering requirements would result in significant tree loss and requested that revisions be made. The Senior Parks and Landscape Officer and the Biodiversity Officer also raised concerns. The Planning Authority decided to remove Block C by condition. Cork City Council reported that the development is acceptable in principle on these lands, but the proposal for Block C would not demonstrate compliance with the objective to reinstate the historic landscape.
- 8.6.8. I agree with the recommendation of Cork City Council and consider it appropriate that Block C be omitted. The development of these lands are bound by the requirements set out in the Cork City Development Plan including a requirement to reinstate the historic landscape. The Cork City Conservation Officer reports that Bessborough House and the landscape ‘cannot be separated from each other and are greater than the sum of their parts.’ The provision of Block C in this location would adversely affect the former garden and would provide a clear separation of Bessborough house and its supporting landscape.
- 8.6.9. I accept the points provided by the applicant that they are restoring large section of the historic landscape but the location of Block C, to the north west of Bessborough

House and on the site of the pleasure gardens, is significant in the context of the overall lands and protection of the setting of Bessborough House. The submitted information provided in their appeal does not allay my concerns about the impact on Bessborough House or on its separation from the landscape. I note the comments by Cork City Council that trees in place on the site of the proposed Block C are relatively recently planted and may not correspond with the layout of trees/ setting when this area was in use as a pleasure garden and associated setting of Bessborough House.

- 8.6.10. Whilst development may occur on these lands, the requirement in the Cork City Development Plan is to reinstate the historic landscape. I accept the significance of this requirement, having full regard to the existing character of the site and to the various technical reports of Cork City Council in this context, I consider it appropriate to include a condition that Block C be omitted. This would result in a reduction in the number of units from 140 to 106, thereby reducing the overall density to 73 dph, remaining within the density range of 50 – 120 dph as per Table 11.2 of the Cork City Development Plan 2022 - 2028. As the requirement is for the reinstatement of the historic landscape, I do not consider there to be an appropriate opportunity to provide for a revised building design in terms of footprint and/ or height by way of condition. The applicant may decide to discuss this issue further with Cork City Council and to submit a revised design for Block C, but I consider this best achieved through a new planning application.
- 8.6.11. Cork City Council also conditioned the removal of a floor from Block E. The Cork City Conservation Officer raised concern about the impact of the height of Blocks D and E on the protected structure and that they would be out of character with the existing agricultural buildings on site. Block D was proposed to be reduced from four to three storeys and Block E from five to four storeys. The Cork Senior Executive Architect considered Block D to be appropriate in its context and that Block E should be reduced by a floor, such that its upper floor would be more consistent with Block D. The Planning Officer agreed with the Senior Executive Architect and Block E was reduced in height by a floor – this would reduce the number of units proposed by six.
- 8.6.12. I have no objection to the retention of the design and height of Blocks D and E as submitted to the Planning Authority. I consider that the variation in height of Blocks D and E to be appropriate and to remove a floor would not ensure this variation in heights. There is a clear stepping up of heights from the retained agricultural units to

Block D at four storeys and Block E at the top/ north of the site at a partial five storeys. The roof profile of Block E is not of a uniform height and provides for a suitable architectural design here.

8.6.13. Retaining Block E as proposed and removal of Block C results in a density of 73 dph; this is in accordance with the density range of between 50 – 120 dph for development in 'Primary Urban Corridors and Principal Towns' which the subject site is indicated to be located within. The loss of Block C does not have an undue impact on the proposed density. I note the location of the site within an area with existing public transport and proposed transport in the form of the Cork Luas. The proposed greenway bridge to the east of the site will provide for good connections to existing/ proposed public transport to the east of the site. The site can accommodate a higher density, however for the reasons outlined, impact on protected structures and character of the area, the density at 73dph is acceptable.

8.6.14. **Conclusion on Layout and Impact on the Character of the Area:** The Planning Authority removed Block C in its entirety and also conditioned the upper floor of Block E thereby reducing the overall number of units by 40 from the proposed 140. I have no objection to the removal of Block C and consider it appropriate in the context of reinstating the historic landscape here. I do not propose the removal of the upper floor of Block E as the variation of height will provide for architectural interest here and there is a clear stepping down in heights from Block E through Block D and to the retained agricultural buildings to the south of Block D. The revisions to the development will provide for a density of 73dph which is in accordance with areas designated as 'Primary Urban Corridors and Principal Towns' which the subject site is located within.

8.7. **Quality of Proposed Residential Amenity**

8.7.1. **Appeal:** No specific issues of concern were raised in the third party appeals about impact of the development on residential amenity. Comment was made that the issue of unit mix cannot rely on SPPR 1 of the Apartment Guidelines, 2025 as these are currently subject to legal challenge.

8.7.2. **Planning Authority:** No specific issues of concern were raised in relation to impact on existing/ proposed residential amenity.

8.7.3. **Assessment:** I have assessed this development and quality of residential amenity under the following sections of my report.

- 8.7.4. Unit Mix: The previous application on these lands under ABP Ref. 313206-22, was refused for a single reason, which was failure of the applicant to demonstrate that a suitable unit mix was provided in accordance with Objective 11.2 'Dwelling Size Mix' and Table 11.8 of the Cork City Development Plan 2022 – 2028. In addition, no Statement of Housing Mix in accordance with Objective POI of the Housing Strategy and Housing Need Demand Assessment of the Supporting Studies which accompany the Cork City Development Plan 2022 – 2028 were provided.
- 8.7.5. I have outlined the proposed unit mix in Table 2 of this report, in summary there are 70 x one bedroom units (50%), 69 x two bedroom units (49.3%) and a single three bedroom unit (0.7%). The applicant in their Statement of Consistency indicates that mix this is compliant with Objective SO2 which seeks to 'Provide densities that create liveable, integrated communities by using a mix of house types, tenures and sizes linked to active and public transport.'
- 8.7.6. The unit mix is provided under Objective 11.2 and supporting tables 11.3 – 11.9 of the Cork City Development Plan 2022 - 2028. The objective states, in part, 'All planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Table 11.3 – 11.9, apart from in exceptional circumstances' and 'Where a clear justification can be provided on the basis of market evident that demand/ need for a specific selling size is lower than the target then flexibility will provided according to the ranges specified'.
- 8.7.7. The site is located within Mahon and is within a City Suburb. The unit mix for such an area is set out in Table 11.8 but in summary the max for one bedroom units is 25%, two bedroom units is 40% and three bedroom units is 38%. The development as submitted is not compliant with this unit mix.
- 8.7.8. Unit mix is addressed through SPPR 1 of the Apartment Guidelines 2025. I note the comments made about a legal challenge to these guidelines, however as at present these guidelines remain in place including the requirements for unit mix. The Cork City Development has not adopted the requirements of Unit Mix set out in SPPR 1 and this is the subject of Variation No.3, which was on public display until the 13th of May 2026. The Variation would significantly revise the City Plan in terms of unit mix and Table 11.3 would be revised to remove the requirement for a certain mix with the other

relevant tables, 11.4 to 11.8, omitted. There are no details available as to when the elected members will vote on this variation.

8.7.9. The proposed development would materially contravene Objective 11.2 of the Cork City Development Plan 2022 – 2028 and in particular the associated Table 11.8 in terms of Unit Mix, at the time of writing this report. However, I consider the proposed mix to be acceptable in this location for the following reasons:

- The site of the proposed apartments is suitably zoned for residential development in accordance with the Cork City Development Plan 2022 – 2028.
- The proposed density is acceptable in terms of Table 11.2 of the Cork City Development Plan 2022 – 2028.
- The site is currently served by good quality public transport and significant improvements are proposed under the Cork Bus Connects Project and through the Cork Luas Project.
- The area is well served by active travel measures, and the proposed development includes a pedestrian/ cycle bridge over the greenway, and which would provide for improved access to Mahon.
- The site is located in an area with good employment opportunities and where a range of services are available.
- The prevailing form of housing in the wider area is two-storey detached and semi-detached units. The development would significantly improve the overall housing mix in the area.
- The proposal provides for housing types which are in demand in this area/ in the wider Cork City area.
- The proposed unit mix would not have a negative impact on the character of the area and would allow for the comprehensive redevelopment of the former farm building area, a brownfield site, for residential development.
- The proposed mix of residential units does not give rise to any environmental concerns than would otherwise be the case if the mix in Table 11.8 of the Cork City Development Plan 2022 – 2028.

I note also the requirements of SPPR 1 of the Apartment Guidelines 2025 and Variation No.3 of the Cork City Development Plan which came off public display in May 2026.

It is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), the proposed development would be in accordance with the proper planning and sustainable development of the area, and that a grant of permission is therefore warranted in this instance, notwithstanding the above. I am satisfied that the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.7.10. As I have recommended that Block C be omitted, the proposed unit mix to be revised as follows, from the original Table 2 in this report:

Table 3: Unit Mix

	Bedrooms					
Block	1 Bed	2 Beds (3 P)	2 Beds (4P)	3 Beds	Total	Storeys
D	34	6	18	0	58	4
E	27	3	17	1	48	5
Total (%)	61 (57.6%)	9 (8.5%)	35 (33%)	1 (0.9%)	106	

8.7.11. As with the submitted proposal I have no concern about this mix. I am satisfied that there is a requirement for one bedroom units in the area in addition to two bedroom units. The loss of units reduces the number of two bed units more than one bedroom units. The same justification applies as to that outlined under 8.7.9 above. The Commission may decide to retain Block C, and the mix would remain as per Table 2 but would contravene Objective 11.2 of the Cork City Development Plan 2022 – 2028.

8.7.12. As no issues were raised about impact on residential amenity, the following assessment highlights relevant compliance, noting the removal of Block C in its entirety:

- **Quality of Units – Floor Areas:** A ‘Housing Quality Assessment’ is included in the supporting ‘Architectural Design Statement’. This has been prepared in accordance with the Apartment Guidelines, 2025 and the Cork City Development

Plan 2022 – 2028. All units exceed the minimum floor areas and 21 provide for floor areas of at least 110% of the minimum requirement.

- Dual Aspect: 32 units (12 in Block D and 20 in Block E) are dual aspect; as 30% are dual aspect this complies with SPPR 3 of the Apartment Guidelines.
- Floor to Ceiling Heights: All units in Blocks D and E have floor to ceiling heights of 2.7m meeting the requirements of SPPR 4 of the Apartment Guidelines.
- Private Open Space: All units are provided with adequate private amenity space in accordance with Appendix 1 of the Apartment Guidelines.
- Communal and Public Open Space: The proposed development includes a large area of public open space to the western part of the site. This has an area of 24,520sq m and easily exceeds the requirements for public open space. The applicant has also indicated that 10.6% of the development area is allocated to public open space. 2,563sq m of communal open space is also proposed and this exceeds the requirements for 830sq m of communal open space as required under Section 11.92 of the Cork City Development Plan and Appendix 1 of the Apartment Guidelines. The removal of Block C will reduce the requirements for open space but also reduces the area of communal open space by 277sq m in the area of Communal Amenity Area 3.
- Childcare: A childcare facility with a floor area of 240.8sq m is proposed and with capacity for 25 children, a similar area of outdoor open space is proposed here. This is to be located in the north western part of Block D. The proposed facility is adequate to serve the demand generated by the proposed development and is in accordance with the Childcare Guidelines 2001 and the Apartment Guidelines 2025. No issues of concern were raised about childcare in the third party appeals or by the Planning Authority.

8.7.13. No issues of concern were raised about impact of the development on third party residential amenity in the appeals. Block E is located approximately 34m to the south of existing residential units in Frederick Avenue and 35m to the west of an existing Tusla facility on Bessboro Road. Overlooking leading to loss of privacy and

overshadowing are not foreseen. Block D is located to the south west of Block E and no issues of impact on third party residential amenity are foreseen.

8.7.14. **Conclusion on Proposed Residential Amenity:** As I have reported, no issues of concern were raised in the third party appeals about impact on third party residential amenity. It is considered that the proposed development will provide for a high quality of residential amenity on these lands to the south of Cork city. Room sizes and quality of unit/ open space are of a high quality. No impact on third party residential amenity is foreseen.

8.7.15. I have raised the issue of Material Contravention of Objective 11.2 of the Cork City Development Plan in terms of Unit Mix, and I have recommended that permission be granted under Section 37(2)(a) of the Planning and Development Act 2000 as amended. I am satisfied that the unit mix is appropriate and would not have a negative impact on the residential amenity of the area or on the character of the subject site/ adjoining lands.

8.8. **Traffic and Access**

8.8.1. **Appeal:** No specific concern was raised by the Third Party appellants about traffic through comment was made in the observations about the potential for increased traffic in the area.

8.8.2. **Planning Authority Comment:** The Planning Authority did not raise any issues of concern in relation to transport and road safety. The Senior Executive Transport Officer supported the proposed development in terms of meeting sustainable transport and active travel requirements. Reference is made to Cork Bus Connects and the proposed Luas line in the area.

8.8.3. **Assessment:** I note the comments made about increased traffic. As with all new development such as this, there will be increased traffic generated, however the submitted Traffic and Transport Assessment (TTA) does not identify any significant effects. Two identified junctions – Bessboro Road/ Bessboro Access road and Bessboro Road/ Skehard Road would experience traffic flows greater than 5% however both of these junctions would have sufficient capacity to accommodate the additional general traffic. The Cork City Transport Officer reported ‘the proposed development (Phase 1) will not cause unacceptable traffic impacts’. I agree with this

assessment. The road network in the area is good with significant investment made over the last 20 years.

- 8.8.4. I note the level of existing and proposed public transport provision for the immediate area. The Cork Luas is proposed to serve the Mahon area, and which would benefit residents of the proposed development. Bus Connects would also improve the bus network capacity and frequency in this area. Route 25 is proposed to serve 'Bessboro', lands to the west of the subject site but access would be available to this route from the north of the site. Routes 1, 3 and 16 would be available from the Skehard Road, approximately 600m to the north west of the site, approximately 14 buses an hour. There are good pedestrian connections to these services.
- 8.8.5. The proposed bridge and link to the east of the site would connect to the Mahon link road and connect to proposed bus routes 3 and 16 with 8 buses an hour. The current service frequency on Skehard Road is 11 buses an hour and 5 on the Mahon link road. The new bridge significantly improves active travel options/ connections to Mahon which is a major employment and retail centre. The bridge also allows for more rapid connection to the public transport options including future Luas services in Mahon.
- 8.8.6. **Car Parking:** 54 car parking spaces are proposed and an additional 4 will serve the creche. The car parking provision is 33% of that set out in the Cork City Development Plan, however as reported by the Cork City Senior Executive Transport Officer, the quantum at 0.39 spaces per unit is low and residents may seek to find parking elsewhere to meet their needs.
- 8.8.7. The subject site is located in Car Parking Zone 2 (Mahon) and the Cork City Development Plan car parking requirements are maximums and as per Section 4.106, new developments will 'Set maximum parking standards across the City including the Urban Towns, taking into account accessibility to public transport and / or access to local services including education and employment' and will 'Set out car-free or low car standards in development areas within an 800m walking catchment area of Cork city centre and / or of quality public transport'. The site is within 800m of existing and proposed public transport and the provision of the bridge over the greenway will ensure that access to public transport is available within 250m of the subject site.
- 8.8.8. The removal of Block C and its associated car parking/ access road will further reduce the number of car parking spaces proposed. A large proportion of the overall car

parking provision is in the area of Block C, 18 spaces are located to the west of Block C. In the interest of clarity, I propose that the following be undertaken to ensure that the car parking loss is appropriately provided for:

- The access road and car parking to the west of the site of Block C be omitted.
- Car parking be provided on the site of the northern part of the footprint of Block C/ to the south of the access road where it turns east.
- Additional car parking be provided to the north of Car Parking Space 25 and the proposed motorcycle parking be relocated to the north of these spaces.
- All impacted footpaths etc. be revised in accordance with the above.
- The final number of car parking spaces to be agreed with Cork City Council.

8.8.9. I am satisfied that no material contravention issues arise in relation to car parking, having regard to the proposed provision and the setting of maximum requirements in the Cork City Development Plan. I note the comments made in relation to overspill parking by Cork City Council, however the provision of a suitable car parking management strategy should address these issues. The applicant has provided a Mobility Management Plan, and residents will be encouraged to use the good quality public transport in the area. The proposed development will support sustainable demand and improvement of public transport.

8.8.10. **Bicycle Parking:** A total of 330 bicycle parking spaces are proposed, and this provision exceeds the requirements set out in Section 11.248 and Table 11.14 of the Cork City Development Plan. The proposal includes spaces for five motorcycles, and this is acceptable in accordance with Section 11.247 of the Cork City Development Plan.

8.8.11. **Conclusion on Traffic and Access:** The proposed development will not have an adverse impact on the existing road and junction capacity in the area. The area is served by good public transport at present and this is proposed to improve significantly under the Cork Bus Connects and Luas projects. The proposed bridge and connection to the greenway will significantly improve active travel options in the area as well as providing for quicker connections to existing and proposed improved public transport in Mahon.

8.9. Infrastructure and Flood Risk

- 8.9.1. **Appeal:** No issues of concern were raised about flood risk, water supply or drainage in the appeals. In the interest of completeness, I have provided an assessment of the key potential issues relevant to this development.
- 8.9.2. **Cork City Council:** The Cork City Drainage Division reported that new surface water drainage infrastructure would be required to serve this development and the proposal is acceptable. The proposed SuDS measures would be acceptable and in accordance with the requirements of the Cork City Development Plan.
- 8.9.3. **Assessment:** From the available information, Uisce Éireann are satisfied that the proposed development can be served with public water supply and foul drainage. I have accessed the Uisce Éireann Capacity Register on the 4th of June 2026 and for Cork City and suburbs, information dated April 2026, there is Capacity Available – LoS improvement Required in terms of water supply and for foul drainage the April 2026 Register provides a Green ‘Indication of Available Capacity’.
- 8.9.4. Appendix 8-1 provides a ‘Site-Specific Flood Risk Assessment Phase 1’ for the subjects lands. In summary, there is no history of flooding on these lands, the site is located within Flood Zone C as per Cork CFRAMS and there is no requirement for a Justification Test having regard to the available information on flooding. In terms of surface water drainage, it is proposed that SuDS measures will be put in place and discharge will be at greenfield rates. Subject to the implementation of suitable SuDS measures, there will be no impact on adjoining lands from the proposed development. In conclusion, from the available information, I do not foresee any flood risk to the subject site or to neighbouring sites due to the proposed development.
- 8.9.5. **Conclusion on Infrastructure and Flood Risk:** The subject lands are served by a public water supply and public foul drainage network, with capacity available to serve this development. The submitted flood risk assessment is thorough, and no issues of concern have been raised. The Planning Authority raised no issues of concern in relation to flood risk issues here. I am satisfied that the development can proceed without giving rise to flooding issues in the area, including potential impact on adjoining sites.
- 8.10. **Other Matters**

8.10.1. **Human Rights Issues:** The issue of impact on Human Rights was raised in the appeals. I refer the Commission to Section 1 of the European Convention on Human Rights Act 2003, and which defines an 'organ of the state' as:

'A Tribunal or any other body (other than the President or the Oireachtas or either House of the Oireachtas or a Committee of either such House or a joint Committee of both such Houses or a Court) which is established by law or through which any of the legislative, executive or Judicial powers of the State are exercised.'

8.10.2. An Coimisiún Pleanála is an organ of the state as defined under the Planning and Development Act 2000 as amended. The Irish Planning system allows for third party comments and the right to appeal. As such third parties have the right to make their views to the relevant authorities, Cork City Council in the first instance and An Coimisiún Pleanála. The applicant also has rights, and the appeal process seeks to ensure a balance between concerns raised and the right to make an application/ propose a development. Development is assessed against national guidance, county/ city/ local area development plans and all of which have been subject to public consultation and scrutiny.

8.10.3. The subject lands have been zoned by Cork City Council and have fully followed the processes required in making such a plan with extensive public consultation and Strategic Environmental Assessment (SEA) undertaken. The elected members of Cork City Council have made the plan and in turn have zoned the lands here for development. The applicant has the right to make an application for development in accordance with the Cork City Development Plan 2022 – 2028. I am satisfied that the issue of adverse impact on Human Rights does not arise in this case.

8.10.4. **Process to be followed if unrecorded human remains are found:** Concern was raised that the development of the site, if permission were granted, may have to be stopped if human remains were found on site.

9.0 Appropriate Assessment (AA)

Stage 1 – Appropriate Assessment Screening

It was concluded that the proposed development could have a likely significant effect 'alone' on QIs associated with Cork Harbour SPA (004030) –

- Potential for water pollution due to surface water drainage run-off during the construction and operational phases of the development.
- Potential for impacts from the spread of Invasive Species during the construction phase.

An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

Stage 2 – Appropriate Assessment

The proposed residential development on lands to the south of the Bessboro Road, within the former Bessborough House Lands, Cork, to the north of the Douglas River has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Cork Harbour SPA (004030). Consequently, an AA was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Cork Harbour SPA (Code 004030) subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Cork Harbour SPA (Code 004030).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cork Harbour SPA (Code 004030).

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 site. I consider it reasonable to conclude that on the basis of the information submitted in the NIS, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Cork Harbour SPA (Code 004030).

10.0 Environmental Impact Assessment (EIA)

- 10.1 This application was submitted to the Commission after the 1st 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.
- 10.2 The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000, as amended and Schedule 5 of the Planning and Development Regulations 2001 as amended.
- 10.3 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings
 - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.
- 10.4 The development as submitted proposes 140 residential units, creche, and has a stated area of 5.05 hectares. The proposal forms Phase 1 of a 3 phase development.

Phase 2, 'The Meadows' is to provide 282 residential units, a creche, café and associated works on a site area of 2.29 hectares and Phase 3 'The North Fields' is to provide for 200 residential units on lands to the west of the subject site. The overall number of units at 622, would exceed the threshold of 500 units and site area would be close to 10 hectares. Taking into account the overall development of these lands as set out in the applicant's masterplan, the proposed development therefore requires mandatory EIA, and an EIAR has been submitted with the application. The List of Consultants and Responsibility are provided in Section 1.6 – 'EIAR Team & Qualifications' of the EIAR in relation to the relevant chapter(s) that they contributed to.

10.5 The EIAR is laid out as follows:

Volume I – Non-Technical Summary

Volume II – Environmental Impact Assessment Report

Chapter One – Introduction

Chapter Two – Project Description

Chapter Three – Alternatives Considered

Chapter Four – Landscape and Visual Impact

Chapter Five – Material Assets: Traffic and Transport

Chapter Six – Material Assets: Services, Infrastructure and Utilities

Chapter Seven – Land and Soils

Chapter Eight – Water (Hydrology and Hydrogeology)

Chapter Nine – Biodiversity

Chapter Ten – Cultural Heritage

Chapter Eleven - Noise and Vibration

Chapter Twelve – Air Quality

Chapter Thirteen – Climate

Chapter Fourteen – Population and Human Health

Chapter Fifteen – Interaction of Impacts

10.6 Issues Raised in Respect of EIA

- 10.6.1 Two issues were raised in the grounds of appeal that refer directly to EIA, insufficient consideration of alternatives and concern over the information provided on Cultural Heritage.

10.7 Compliance with the Requirements of Article 94 and Schedule 6 of the Planning and Development Regulations

- 10.7.1 In the following table, I assess the compliance of the submitted EIAR with the requirements of article 94 and schedule 6 of the Planning & Development Regulations, 2001 as amended.

Table 10.1 – Compliance with the Requirements of Article 94 and Schedule 6 of the Planning & Development Regulations, 2001 (as amended)

The information specified in Paragraph 1 of Schedule 6		
	Description of proposed development: Site, design, size and other relevant features	See Chapter 2 – 2.2: Description of the Project. 2.3: Existing Environment/ Baseline Scenario. 2.4: Construction Phase 2.5: Operational Phase 2.6: Impact Assessment 2.7: Mitigation, Monitoring and Residual Impacts. The description is adequately detailed to allow assessment of the likely effects on the environment.
	Likely significant effects on the environment	See Chapters 4 – 15. Each of these chapters describes the relevant significant effects on the environment. Chapter 15 provides full details on 'Interactions of Impacts'.

	Design and mitigation measures to avoid, prevent and reduce significant adverse effects	Mitigation measures are provided in each of the relevant chapters. Chapter 16 provides a 'Summary of Mitigation Measures'.
	Reasonable alternatives and main reasons for the option chosen, taking into account effects on the environment	See Chapter 3. Alternatives include Alternative locations, do-nothing alternative, Alternative Uses, Alternative Layouts and under Section 3.8 – 'Main Reason for Option Chosen'. The issue of alternatives was raised through appeal, and this is considered further in my report.
Any additional information specified in Paragraph 2 of Schedule 6 relevant to the specific characteristics of the development concerned and the environmental features likely to be affected and methods of assessment		
(a) Description		
	Description of location	See Chapter 2
	Physical characteristics including where relevant demolition and land use requirements during construction and operation	See Chapter 2. The development includes demolition of former agricultural buildings/sheds, and a log cabin. Full details of site description are provided under Section 2.3 of the EIAR.
	Main characteristics of the operational phase	The development consists of 140 apartment units, a creche, open space, car/bicycle parking and all associated works on lands to the south of the Bessboro Road and north of Bessborough House, Cork.
(b) Reasonable Alternatives		See Chapter 3 of the EIAR. The main alternatives would be in terms of location and design/layout. The site is suitably zoned, and the layout is

		determined by geography, topography and planning requirements.
(c) Baseline scenario and 'Do Nothing'		The baseline context is provided in Section 2.3 of the applicant's report. The 'Do-Nothing' scenario would result in the buildings further deteriorating, inefficient uses of services, undermine the viability of proposed infrastructure in the area and non-provision of active travel measures.
(d) Factors likely to be significantly affected	Climate	See Chapter 13
	Land & Geology	See Chapter 7
	Water	See Chapter 8
	Biodiversity	See Chapter 9
	Population & Human Health	See Chapter 14
	Population & Human Health – Noise & Vibration	See Chapter 11
	Landscape & Visual Impact	See Chapter 4
	Archaeology, Architecture & Cultural Heritage	See Chapter 10
	Material Assets: Site Services	See Chapter 6
	Material Assets: Traffic & Transport	See Chapter 5
(e) Significant effects		See Chapters 4 - 14
(i) Description of:	(I) Construction and existence of proposed development and demolition	See Chapter 2
	(II) Use of natural resources	See Chapter 2, 7 and 8
	(III) Emissions	See Chapter 8, 11 and 12
	(IV) Risk from accidents or disasters	No specific chapter – accidents such as spillages/ pollution, are detailed in relevant chapters.
	(V) Cumulative effects with existing or approved developments	Considered under main chapter headings
	(VI) Impact on Climate and vulnerability to Climate Change	See Chapter 13 and individual chapters.
	(VII) Technology and Substances used	See Chapter 1 - Methodology

(ii) Likely Significant Effects	Direct	Considered under main chapter headings
	Indirect / Secondary	Considered under interactions
	Cumulative	Considered under main chapter headings
	Transboundary	Not relevant
	Short term	Most effects are temporary or short term
	Medium Term	Not generally relevant
	Long Term	Considered under relevant chapters.
	Permanent	Permanent development of the site including the provision of a residential development, infrastructure and open spaces.
	Temporary	Construction effects are temporary or short term; operational effects are permanent and generally positive.
	Positive	Development of new housing, and biodiversity is enhanced through the proposed landscaping plan. Improvements to active travel measures through the proposed bridge to the east of the site.
	Negative	Most effects are temporary or short term.
(f) Forecasting methods, evidence, difficulties encounters and main uncertainties	Yes	
(g) Measures to avoid, prevent, reduce or offset adverse effects, monitoring during construction and operation	Yes	

(h) Significant adverse effects arising from vulnerability to risks of major accidents and/or disasters, mitigation measures and preparedness and response to emergencies arising from such events	None reported.	
Non-Technical Summary	Yes – the Non-Technical Summary accurately reflects the chapters in the main volume of the EIAR.	
Reference list of sources	This is provided for each chapter.	
List of experts and their competence	This is provided in Section 1.6 of Chapter 1.	

10.8 Assessment of Likely Significant Direct and Indirect Effects:

10.8.1 This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

Note: I will be assessing the EIAR under each of the chapter headings of the applicant's report but in line with the above topic headings, hence why the assessment may not be in the chronological order of the submitted EIAR.

10.8.2 In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following listed headings:

- Issues raised in the application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects.

10.9 Population and Human Health – Chapter 14 and 11¹

Issues Raised

10.9.1 No issues were raised in relation to this chapter by third parties.

Examination of the EIAR

Context and Baseline

10.9.2 Chapter 14 of the EIAR deals with Population and Human Health and separately Chapter 11 deals with Noise & Vibration. Methodology for Chapter 11 is provided under Section 11.2 and for Chapter 14 this is provided under Section 14.1.2. The baseline environment is provided in Sections 11.3 and 14.2 of the relevant chapters, and this includes baseline noise data, vibration details, population information, employment details, transport data, housing data, and land use. No limitations were identified in the preparation of these chapters. In support of Chapter 11, A 'Dust Management Plan is included in Appendix 12 and Appendix 14-1 provides 'Mahon Bus

¹ In addition to Chapter 14, Chapter 11 – Noise & Vibration is considered in this section of my report.

Timetables' and an email to the Department of Education and Youth regarding School Residual Chapter is provided in Appendix 14-2.

Potential Effects

The following potential impacts are identified for Chapter 11 – Noise & Vibration

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site will remain as per the baseline and will change in accordance with trends within the wider area.
Construction	The construction phase will be in a 'single pass' and impact would be of a relatively short period. Ambient noise levels would be in accordance with BS5228-1. Tables 11.8/ 11.11 provides the 'Typical construction equipment vibration and frequency data'; Tables 11.9/ 11.12 provides the 'Predicted and maximum allowable vibration levels in general & protected structures'. The construction phase would give rise to very minor temporary ground borne vibration for the nearest existing buildings to the site, but the impacts would be far below the maximum levels of BS5228-1 for the subject development and that proposed for Phase 2. Similar results are calculated for the Combined Phases 1 and 2 – results are well within the acceptability of BS5228-1.
Operational	The main potential noise source would be from vehicular traffic. The increase is categorised as 'slight' in the worst case scenario and longer term electric cars will reduce noise levels further for each of the two phases and when the combined phases are assessed.
Risk of Major Accidents and Disasters	None identified.
Decommissioning	Not referenced and not relevant to this project.
Cumulative	Cumulative impacts for noise and vibration are considered under Section 11.6. In the constructional phase the impact is

	categorised as temporary, negative and not deemed significant. A not significant finding is made for the combined Phases 1 to 3. In the operational phase the impact would not be significant. Cumulative impact provides for a similar result. A small increase in vibration may be recorded but this would be negligible.
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The following potential impacts are identified for Chapter 14 – Population and Human Health

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site will remain as per the baseline, housing shortages will remain in the Cork City area, the recorded lower growth rate relative to other areas in the city will continue, lands will not be available for recreational use and the pedestrian/ cycle bridge over the greenway will not be provided. A similar result will occur for the combined Phase 1 and Phase 2.
Construction	The construction phase will be over a single 24 month period for the subject site at 'The Farm' and for a similar period for phase 2 – 'The Meadows'. The development of the two phases on a combined basis would reduce the length of time required to complete the development. The development of either Phases 1/ 2 or both phases would create employment, which is a benefit to the population. HGV traffic would be at its greatest at the start of the development but would reduce over time. None of the buildings proposed for demolition are of architectural importance. 54 trees will be felled, of which 9 are dead or are of a poor quality, 116 new trees are proposed to be planted here.

	During the construction phase there may be temporary disruption to services; this is likely to be short-term, temporary and ranges from imperceptible to moderate. Health effects could occur due to contamination of water/ groundwater. This was found to be negligible subject to implantation of the mitigation measures in the submitted CEMP. No negative impacts on the known cultural heritage on site (See section on Cultural Heritage). The impact on Bessborough House, would be temporary, of low to medium magnitude and would be of slight to moderate significance. The proposed pedestrian/ cycle bridge would impact on the line of the Cork, Blackrock and Passage Railway, but this direct negative impact is considered to be slight in significance. The Construction Phase could give rise to impacts on air quality and climate, but this would not be significant. The combined Phases 1 and 2 would provide similar results to the development of the individual phases. The development would benefit the local economy through employment creation and spin off benefits such as use of restaurants etc. This applies to Phase 1, Phase 2 and combined Phases. The development will require the closure of the access ramp at the greenway for a temporary period of time. The impact on trees etc. will not impact on the local community due to limited access to these lands. The construction phase impact
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	will be of a temporary, moderate significance in terms of impact on amenity, open space and sports. This applies to Phase 1, Phase 2 and the combined Phases. In terms of childcare and schools, there will be no impact on demand but short-term impacts due to noise, vibration and emission would occur in the absence of appropriate mitigation measures. This applies to Phase 1, Phase 2 and the combined Phases. Impact on Community Facilities would be imperceptible in the construction phase and similarly for health/ emergency services. Impact on public transport would be moderate, short-term and positive due to uplift in use during the construction phases/ combined phases.
Operational	The proposed development would provide for 140 additional residential units, open space, and active travel measures. These will benefit the local community. The proposed development will provide apartment blocks of 4 to 5 storeys in height, which is considered to be compatible with the existing Mahon area. The development is of a high quality and has regard to the established character/ form of development in the area. The proposed landscaping/ new trees will ensure a good integration with the existing area over time. The operational phase will give rise to increased traffic in the area which would be a slight negative impact during the peak periods. A Mobility Management Plan will be put in place and there will be improvements to active travel measures in the area.

	There may be an impact on water supply, foul drainage, telecommunications and electricity infrastructure in the area, this would be permanent and slight. Adequate foul and surface water drainage measures will be put in place on site. Slight negative impact on the historic estate due to the development of the site and similar impact on the Passage West Greenway due to the proposed pedestrian bridge. Negligible impact on human health due to negative impacts from cars on air quality, longer term this impact will reduce to the increase in use of electric vehicles. The combined Phases 1 and 2 would provide similar results to the development of the individual phases. The development would benefit the local economy through increase in population, demand for retail/ services and will support improvements to public transport proposed for the area. These benefits apply to Phase 1, Phase 2 and the combined Phases. The operational phase impact on Amenity, Open Space and Sports would be some short-term slight negative impacts due to an increase in demand for facilities though the area is well served by established sporting bodies. There is a long-term benefit through the opening of the lands/ open space to public use, and the proposed pedestrian bridge will benefit the local community. These impacts apply to Phase 1, Phase 2 and the combined Phases. The proposed development of Phase 1 provides for a creche with a capacity of 25 children and Phase 2 has capacity for 35 children, this will meet the demand on site and provide for additional capacity for the greater area.
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	Phase 1 has an estimated 'worst case' demand for 38 school places but a range of 14 – 38 places is more likely. Secondary school demand is in the range of 10 - 28 places. The applicant has identified suitable schools in the area, and the expected available capacity would indicate that the development would have a neutral impact on local schools. Phase 2 has a primary school demand range for 30 – 77 places and secondary school would be 22 – 56 places. Information provided by the applicant indicates that school place demand has been in decline in recent years and is expected to continue on this trend up to 2036. Combined Phases provide the same impact as expected. Impact on Community Facilities would be positive as demand would increase. The proposed creches and community facilities would also be positive additions for the local area. Impact on health and emergency services would be imperceptible. Impact on public transport would be positive supporting existing and proposed services. Works to public realm will be beneficial.
Risk of Major Accidents and Disasters	None identified.
Decommissioning	Not referenced and not relevant to this project.
Cumulative	Cumulative impacts are considered under Section 14.5 of the EIAR. No significant impacts relating to air quality, noise, vibration or traffic are expected for either phase of the development or combined phases during the construction stage. In terms of the operational phase, the impacts would be beneficial for human health through improved amenity and

	active travel measures. For traffic, road safety, air quality, water quality, noise and vibration, the impact would not be significant. This is the case for Phases 1 and 2 and combined. For the overall development of the masterplan lands, the sensitivities of the site are recognised and suitable memorialisation is proposed. This will be themed according to the phases of the site development.
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Mitigation/ Monitoring

- 10.9.3 Noise and Vibration: The applicant has provided these in Section 11.5 of the EIAR. In summary measures include requirements for noise/ vibration are fully implemented, provision of a suitable Construction Phase Operational Plan, control of vehicles and on site plant, use of noise barriers as appropriate, suitable scheduling of works/ noise generating operations and piling to be bored and not driven. No monitoring is deemed necessary for noise though it could be a requirement of the Local Authority. These measures apply for Phase 1 and 2 and combined phases.
- 10.9.4 Population and Human Health: The applicant has provided these in Section 14.4 of the EIAR. Full details of the Construction Phase requirements are provided in the CEMP, which is included as Appendix 2-1. Measures include compliance with appropriate standards, use of protective barriers/ hoarding, control of construction hours and monitoring regime to be put in place. This applies to Phases 1 and 2, and the combined phases.
- 10.9.5 In terms of the operational phase, impacts would be positive and use of open space and active travel measures will benefit the local community. No specific monitoring measures are proposed here.

Residual Impacts:

- 10.9.6 No residual impacts are foreseen for noise & vibration generated on site, other than an occasional breach of the times limits where specific work is underway. This applies for Phase 1 and 2, and combined phases.
- 10.9.7 Residual impacts are considered to be positive as the development provides for a new community focused on good quality public transport. New active travel links and

amenity lands are provided here in addition to community facilities such as creches arising from the Phase 1 and 2 developments.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

- 10.9.8 I have examined, analysed and evaluated Chapters 11 and 14 of the submitted EIAR, all of the associated documents and submission on file in respect of Noise and Vibration and Population & Human Health. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is comprehensive and that the key impacts in respect of likely effects on Population & Human Health, as a consequence of the development have been identified. No Third Party Observations were raised.
- 10.9.9 I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have a perceptible negative impact on Noise and Vibration and on Population & Human Health. The construction phase will result in the generation of employment and benefits to local retail/ restaurants. The proposed development of new housing, publicly accessible open space and new active travel links will benefit the local community. The generated demand will benefit and support the development of new public transport in the area such as the Cork Luas and Bus Connects proposals, which in turn benefits the wider area.

Conclusion: Direct and Indirect Effects on Noise and Vibration and on Population & Human Health

Having regard to the examination of environmental information etc. it is considered that by virtue of the nature of the development/ distance from sensitive receptors, there is no potential for significant negative environmental effects on Noise and Vibration or on Population & Human Health. Positive effects including the provision of additional housing, amenity spaces, improvements for active travel and supports the demand for proposed public transport in the area.

- 10.10 Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).**

Issues Raised

10.10.1 No specific issues were raised by third parties about the impact of the development on biodiversity.

Examination of the EIAR

10.10.2 I have examined Chapter 9 (Biodiversity) of the EIAR which deals with this topic. The chapter is supported by the following:

Appendix 9-1: NRA Guidelines

Appendix 9-2: Site Photographs

Appendix 9-3: Invasive Species Management Plan (refer to Appendix 4 of NIS (Appendix 9-5 below))

Appendix 9-4: Bat Surveys - Photographs and details of locations.

Appendix 9-5: Report in Support of Appropriate Assessment (AA) Screening and Natura Impact Statement – Phase 1 ‘The Farm’

Under the ‘Characterisation of Existing Baseline Environment’ and the ‘Description of Existing Baseline Environment’ the applicant has provided details of the site, habitat surveys, bird surveys, bat surveys², mammal surveys and consideration of aquatic conditions. The site is not located within a European designated site but is potentially hydrologically connected to Cork Harbour SPA and Great Island Channel SAC. The Douglas River Estuary pNHA is located approximately 330m to the south of the subject lands. Invasive plant species have been recorded on site.

10.10.3 Having regard to the survey work carried out by the applicant, the location of the zoned and fully serviced site to the south of city, the built form of the existing adjoining environment, the planning history of the site, and proposed mitigation measures which include comprehensive landscaping including a significant amount of new planting/ trees, the proposed measures to manage/ eradicate invasive species, timing of vegetation clearance, checking for bats before felling of mature trees, and

² Surveys undertaken on 17th and 22nd September 2025 and from the 25th of September to the 1st of October 2025. Also, Tree Surveys on the 11th and 13th of November 2025 and internal Building Surveys on the 11th and 13th November 2025. In summary, bat activity was found to be sporadic on the site and appropriate mitigation measures are provided. Buildings on site are of a low to negligible value for roosting bats and the trees proposed for removal are similar in terms of value.

appropriate operational phase lighting, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on biodiversity as a result of the proposed development and it would not be inconsistent with the National Biodiversity Action Plan (2023-2030). The potential for effects on European sites is examined in the AA section of this report.

10.11 Land and Soil

Issues Raised

- 10.11.1 No specific issues were raised by third parties about the impact of the proposed development on Land and Soil.

Examination of the EIAR

- 10.11.2 I have examined Chapter 7 (Land and Soils) of the EIAR which deals with this topic. The chapter is supported by Appendix 7-1: Ground Investigation Report.
- 10.11.3 Having regard to the standard nature of the proposed development works, the relatively flat topography, the semi brownfield nature of the site in an urbanised area of the city and the built form of the existing adjoining environment, the planning history of the site, and standard mitigation measures proposed which include a CEMP, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on land or soil as a result of the proposed development.

10.12 Water

Issues Raised

- 10.12.1 No specific issues were raised by third parties about the impact of the proposed development on Water.

Examination of the EIAR

- 10.12.2 I have examined Chapter 8 (Water (Hydrology and Hydrogeology)) of the EIAR which deals with this topic. This chapter is supported by:
- Appendix 8-1: A Site-Specific Flood Risk Assessment Phase 1
- Appendix 8-2: A 2022 Site-Specific Flood Risk Assessment previously prepared in relation to an SHD application for the 'Meadows'.

10.12.3 Having regard to the standard nature of the proposed development works, the absence of a watercourse within the site and separation of the subject lands from Lough Mahon/ Douglas River to the south of the site, the semi-brownfield nature of the site in an urbanised part of Cork City, the planning history of the site, the conclusions of the supporting SSFRA dated 18th September 2025³, and standard mitigation measures proposed which include a CEMP during the construction phase and the use of appropriate SuDS for the operational phase, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on water as a result of the proposed development.

10.13 Air

Issues Raised

10.13.1 No specific issues were raised by third parties about the impact of the proposed development on Air Quality.

Examination of the EIAR

10.13.2 I have examined Chapter 12 (Air Quality) of the EIAR which deals with this topic. This chapter is supported by:

Appendix 12-1: Dust Management Plan

10.13.3 Having regard to the standard nature of the proposed development works, the relatively flat topography, the semi brownfield nature of the site in an urbanised area of the city and the built form of the existing adjoining environment, the planning history of the site, and standard mitigation measures proposed which include a CEMP and Dust Management Plan, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on air quality as a result of the proposed development.

10.14 Climate

Issues Raised

10.14.1 No specific issues were raised by third parties about the impact of the proposed development on Climate.

³ Site is located within Flood Zone C, there is no history of flooding in the area and there is no requirement for a justification test to be undertaken.

Examination of the EIAR

10.14.2 I have examined Chapter 13 (Climate) of the EIAR which deals with this topic. This chapter is supported by:

Appendix 13-1: DEAP DKP Energy Analysis Report

10.14.3 Having regard to the standard nature of the proposed development works, the development of a partially brownfield site located in an area with good public transport and active travel measures, located to the south of Cork City, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on climate as a result of the proposed development. The proposed development will not conflict with the requirements of the Climate Action Plan 2024 or Climate Action Plan 2025.

10.15 Material Assets – Traffic & Transport

Issues Raised

10.15.1 No specific issues were raised in the third party appeals about the impact of the proposed development on traffic and transport. Comment was made in third party observations about an increased in traffic in the area.

Examination of the EIAR

10.15.2 I have examined Chapter 5 (Traffic & Transport) of the EIAR which deals with this topic. This chapter is supported by:

Appendix 5-1: Traffic and Transport Assessment

Appendix 5-2: Mobility Management Plan

10.15.3 Vehicular access to the site will be via the existing Bessboro Road. The site is accessible by pedestrians with footpaths in place on the Bessboro Road. Cycleways are proposed in the area under the 2017 Cycle Network Plan; there are no cycle tracks on the Bessboro Road at present. The Passage West Greenway is to the east of the site, and it is proposed to provide for a pedestrian/ cycle bridge here. Section 5.3.5 of the EIAR provides summary details of public transport in the area. The bus network is due to be improved under the Cork Bus Connects proposal and the Cork Luas is proposed to the east of the site and would be accessible from the subject site. Improvements are proposed for the Bessboro Road to include improved provision for cyclists/ pedestrians.

10.15.4 Provision including ducting will be made for electric charging at all car parking spaces on site, but six spaces will be fully fitted for the operational phase. 330 bicycle parking spaces are proposed on site. The increase in traffic associated with this development in the operational phase will not have a negative impact and will ensure that capacity remains for further development in the area. Significant impacts on junction capacity is not foreseen for each of the tested locations.

10.15.5 Mitigation measures are proposed for the construction phase; these are standard for construction projects. Operational phase mitigation measures will be provided by others such as the provision of improvements to the cycle network in the area and the implementation of the Cork Metropolitan Area Transport Strategy (CMATS). A Mobility Management Plan (MMP) will also be implemented, and full details are provided in Section 5.6.3 of the EIAR. A car sharing scheme is proposed to be provided as part of the MMP. Full consideration has been given to potential cumulative impacts, and no issues of concern arise.

Having regard to the standard nature of the proposed development works, the semi brownfield nature of the site in an urbanised part of the city and the built form of the existing adjoining environment which includes established road networks, the availability of existing public transport, the planning history of the site, and standard mitigation measures proposed which include a CEMP and Mobility Management Plan, I am satisfied that there is no potential for any significant direct, indirect, or cumulative effects on Material Assets – Traffic & Transport as a result of the proposed development.

10.16 Material Assets – Services, Infrastructure and Utilities

Issues Raised

10.16.1 No specific issues were raised in the third party appeals about the impact of the proposed development on services, infrastructure and utilities.

Examination of the EIAR

10.16.2 I have examined Chapter 6 (Services, Infrastructure and Utilities) of the EIAR which deals with this topic. This chapter is supported by:

Appendix 6-1: Uisce Éireann Confirmation of Feasibility – Phase 1

Appendix 6-2: Uisce Éireann Confirmation of Feasibility – Phase 2

Appendix 6-3: Uisce Éireann Web Map of Wastewater Treatment Plants and Pumping Stations

Appendix 6-4: ESB Networks.

Appendix 6-5: Gas Networks Ireland.

Appendix 6-6: Eir Maps

Appendix 6-7: External Lighting Analysis Report

Appendix 6-8: Proposed Drainage and Water Service Layout Drawings for Phase 1

Appendix 5-2: Mobility Management Plan

10.16.3 The site is served by an existing public water supply and foul drainage network. Electricity, gas and telecommunications are available to serve this site. Public lighting is in place along existing public streets in the immediate area. There is no indication of any difficulties with connection to these services and capacity exists within the various networks to serve the needs of future residents. The proposed public lighting system to serve this site will be designed to have full regard to bats.

10.16.4 Construction phase impacts would be temporary and imperceptible. Operational phase impacts from the proposed development would be permanent but slight. As reported all networks to be connected to have adequate capacity to serve the needs of future residents. Mitigation measures include the provision of services in accordance with the requirements of the relevant utility provider. Impacts on existing users will be minimised and be of a temporary nature.

10.16.5 Having regard to the standard nature of the proposed development works and standard mitigation measures proposed such as confirmation of the precise locations of on-site services, having regard to various codes of practice and guidance, and establishment of an interface between the contractor and relevant utility service providers, I am satisfied that there is no potential for any significant direct, indirect, or cumulative services effects as a result of the proposed development.

10.17 Landscape & Visual Impact

Issues Raised

10.17.1 The appeals referred to the potential impact on the character of the area, with reference made to the impact on Bessborough House. I note the comments made and there is crossover between this chapter and that under Cultural Heritage. These will be considered under their separate headings, though the primary issues raised in the appeal refer more specifically to Cultural Heritage.

Examination of the EIAR

10.17.2 I have examined Chapter 4 (Landscape & Visual Impact) of the EIAR which deals with this topic. Section 4.7 provides for an extensive Visual Impact Assessment. I note the following:

- Table 4.1 – Landscape/ Townscape Value and Sensitivity
- Table 4.2 – Magnitude of Landscape/ Townscape Impacts
- Table 4.3 – Impact Significance Matrix

Section 4.1.2.2 provides a Visual Impact Assessment Criteria and considers a range of criteria such as sensitivity of views, value of views, intensity of use, sense of place and sense of awe.

- Table 4.4 – Magnitude of Visual Impacts

Baseline

10.17.3 Section 4.2.2 provides the baseline environment and details the site area at 5.13 hectares and how it fits into the overall development of these lands. The site is between the Bessboro Road and Bessborough House, which is to the south of the subject lands. Land uses consist of greenfield and brownfield uses; a number of buildings are proposed for demolition and are in poor condition. The 'Baseline' section of the EIAR is supported with a number of photographs of the relevant lands detailed. Just to reiterate, the EIAR has detailed Phase 1 – the subject lands and Phase 2 which is located to the south east. Details are also provided of Phase 3 and which is located to the south and west. Details and photographs of Bessborough House are provided. The submitted photographs indicated that anti-social behaviour/ dumping on site has been occurring on the subject site including within the area of Block B and proposed Block D.

10.17.4 Part of the site is located within an 'Area of High Landscape Value' as indicated in the Cork City Development Plan 2022 – 2028 and the remaining lands, most of the western and southern lands within the overall Bessborough lands are within a Landscape Preservation Zone. Bessborough House is considered to be a Landmark Building.

Potential Effects

10.17.5 The EIAR considers the potential landscape and visual impact of the proposed development for Phase 1 and Phase 2. The Do nothing scenario would see no change to the current situation. The existing site is overgrown and buildings on site are not of any significant value in terms of landscape value and sensitivity. The sensitivity of the receiving townscape setting is considered to be medium.

10.17.6 Construction Phase impacts would include HGVs transporting materials to/ from the site, movement of plant and equipment, use of cranes, temporary storage of materials on site, demolition works, construction of buildings up to five storeys in height, provision of infrastructure to/ from the site and provision of fencing/ lighting on/ throughout the site. Construction is likely to last 24 months. The magnitude of construction phase impacts is medium, and the combined overall significance of construction stage landscape/ townscape impacts is moderate and negative.

10.17.7 Operational Phase would see the permanent provision of three - five storey apartment blocks, a pedestrian bridge and all associated site works. The magnitude of operational stage landscape/ townscape impacts is considered to be medium-low and marginally negative – overall neutral. The combined Phases 1 and 2 would have a neutral/ neutral negative quality of effect. No specific monitoring is required.

10.17.8 Section 4.7 provides a 'Visual Impact Assessment' of the proposed development and impact on the visual character of the subject lands/ adjoining lands. 22 separate viewpoints are provided, and these are located on the 'Viewpoint location map' provided in the Verified Views report. Views are of the impact of the proposed development and of the cumulative impact of the other phases. Impacts range from Imperceptible/ neutral to Moderate-slight/ Positive to Slight/ Negative. The cumulative impact would not be significant.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

10.17.9 I have examined, analysed and evaluated Chapter 4 of the submitted EIAR, all of the associated documents and submission on file in respect of Landscape and Visual Impact. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is fully comprehensive and that the key impacts in respect of likely effects on Landscape and Visual Impact, as a consequence of the development have been identified.

10.17.10 The proposed development is located in an area with extensive and established urban development, and I am satisfied that the visual impact would be neutral. The overall development of these lands results in the retention of woodland and grass meadow areas and in the context of the overall site area, most of the lands would retain their existing character. The subject site is located towards the north of the site and is not in a very prominent location when viewed from adjoining lands. The proposed five storey buildings would be in keeping with the height of existing buildings in the area.

Conclusion: Direct and Indirect Effects on Landscape and Visual Impact

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have an adverse negative impact on Landscape and Visual Impact Assessment. The subject lands are currently a mix of a greenfield and brownfield site, and the proposed development will see the provision of roads, residential units, a childcare facility and open spaces on these lands which will result in a change in the site character. The site is located to the south of Cork City and as such the development would provide for a natural extension to the existing urban area and would result in a development that is visually keeping in character with the existing form of Mahon.

10.18 Cultural Heritage

Issues Raised

10.18.1 I have considered Cultural Heritage at this point of the assessment of the EIAR. The appeals referred to the potential impact on the character of the area, with reference made to the impact on Bessborough House and on these lands. One of the key issues raised in the third-party appeals was the potential for unrecorded burials to be located within any part of the Bessborough lands. They consider there to be potential for such unrecorded burials to be located on the subject site having regard to the history of burials on other sites within the State. The applicant through their Appeal Response

has rejected this and reported that there is no evidence of any burials located on the subject site. See also Section 8.5 – Location of Development and Cultural Heritage of my report.

Examination of the EIAR

10.18.2 I have examined Chapter 10 (Cultural Heritage) of the EIAR which deals with this topic. The following appendices are included in support of this chapter:

- Appendix 10-1: General Photographic Record
- Appendix 10-2: 2019 Archaeological Test Trenching Report
- Appendix 10-3: Historic Building Record
- Appendix 10-4: Method Statement Forensic Control

Baseline

10.18.3 Section 10.2 provides the baseline environment. The study area for this chapter is defined as the lands within the red line of the planning application and extended out by 500m from this boundary. A detailed history of the subject lands is provided. The following are reported:

- The Cork, Blackrock and Passage Railway is located east of the site. This line closed in 1932 and is now a greenway. Although not an archaeological site it is important in terms of cultural heritage.
- Archaeological test trenching was carried out on lands that form part of Phase 2 of the development of these lands – Details are provided in Appendix 10-2. The applicant reports ‘There were no archaeological features or artefacts noted in any of the test trenches.’
- Bessborough House is listed as on the Record of Protected Structures for the Cork City Development Plan 2022 – 2028 – RPS No. 490.
- Table 10.5 of the EIAR provides ‘Designated Cultural Heritage sites within study area’.
- Table 10.6 provides ‘Archaeological inventory descriptions of archaeological sites in study area’.

- Table 10.7 provides 'NIAH descriptions of architectural heritage structures in study area'.

The EIAR includes a section headed 'The legacy of the Mother and Baby Home'. This functioned from 1922 through to the 1990s. Its use and scale of operation varied over this time period. 6000 births were recorded between 1929 and 1987, births outside of this period are believed to have taken place in St Finbarr's Hospital. The number of child deaths is not known and records were not kept. The estimated figure varies from several hundred to approximately two thousand. The EIAR reports 'The Fifth Interim Report of the Commission of Investigation puts the figure at 904.' Just 64 burials have been identified to date. Burials could have taken place in the Nun's cemetery or in other burial grounds in this part of Cork. It is accepted that burials could have taken place anywhere on the lands, but evidence is not clear.

- 8.10.5. The EIAR reports on engagement between the applicant and the Cork Survivors and Supporters Alliance (CSSA). The CSSA identified areas of concern and wished that no ground disturbance occur in these locations. The EIAR reports that the CSSA have no specific interest in the subject lands or those on which phase 2 is proposed.
- 8.10.6. The applicant proposes that a 'forensic specialist (assisted by an osteoarchaeologist)' be appointed to monitor all ground works within the subject development site. A methodology is provided in Appendix 10.4. This has been used in the undertaking of geotechnical site investigations in preparation for the subject development/ application to Cork City Council.
- 8.10.7. The EIAR provides a detailed history of the subject lands through Cartographical Review under Section 10.2.2.2 and Aerial, Satellite and LiDAR imagery under Section 10.2.2.3. Section 10.2.3 provides Field Surveys. Figure 10.10 provides a map which labels each of the existing buildings on the site of the subject development. Details of these buildings are provided in the EIAR text, and it is reported that several of which are in poor condition. As with the other sections of this EIAR, Phase 1, the subject site and Phase 2 are assessed.

Potential Effects

- 10.18.4 Section 10.3 provide the 'Impact Assessment' for Phase 1, the subject application, Phase 2 and the combined phases. The do-nothing scenario would see the lands

remain as are at present. There are no recorded archaeological sites within the site boundary, though unrecorded features may exist, and suitable mitigation measures should be put in place. A number of buildings are to be demolished, and other structures are to be restored/ reused as part of the development. The demolition of Buildings D, E, F, G and H would have a direct, negative, permanent and high magnitude impact on the architectural heritage resource; however, these structures are rated as of low quality and do not form part of the main core of the Bessboro Farm complex. The retention of Buildings A, B and C would have a direct, positive, permanent and low magnitude impact which is reported as slight in significance.

10.18.5 The EIAR considers the potential landscape and visual impact of the proposed development for Phase 1 and Phase 2. The Do nothing scenario would see no change to the current situation. The existing site is overgrown and buildings on site are not of any significant value in terms of landscape value and sensitivity. The sensitivity of the receiving townscape setting is considered to be medium. The proposed bridge over the greenway would have a direct negative impact on architectural heritage, which is assessed as being slight in significance. Table 10.9 provides a 'Summary of The Farm Construction Phase Indirect Impacts' for Phase 1 and Table 10.8 does the same for Phase 2 (note: I am unsure why the tables are numbered in this way). In terms of the combined impact the EIAR concludes 'that Phase 1 and Phase 2 will not combine to result in any predicted significant impacts on the cultural heritage resource during the construction phase.'

10.18.6 The Operational Phase impact is assessed under Section 10.3.2.2 and no issues of concern arise. The development will see the reuse of existing buildings and would restore historic routes to the parkland area on the overall lands. The application is supported with a detailed landscape masterplan. Table 10.11 provides a 'Summary of The Farm Operation Phase Indirect Impacts' for Phase 1 and Table 10.10 does the same for Phase 2. The combined impact is concluded to not 'result in any predicted significant impacts on the cultural heritage resource during the operation phase.'

Mitigation Measures

10.18.7 The buildings to be demolished have already been fully recorded with details provided in Appendix 10.4. Details will be provided to Cork City Council and the Irish

Architectural Archive prior to development. In terms of unrecorded burials, the methodology provided in Appendix 10.5 will be implemented in full. There is no identified requirement for additional mitigation measures during the construction phase for the combined phases 1 and 2 and no measures are required for the operational phase of the development. No residual impacts on the architectural heritage are forecast.

10.18.8 No issues of concern arise in relation to cumulative impacts with other development during Phase 1 or Phase 2. No issues of concern arise for the construction and operational stages in relation to these two phases and the expected phase 3 which is proposed for the future. A masterplan has been prepared, and which sets out how the different phases will integrate with each other and the adjoining lands.

10.18.9 Construction Phase impacts would include HGVs transporting materials to/ from the site, movement of plant and equipment, use of cranes, temporary storage of materials on site, demolition works, construction of buildings up to five storeys in height, provision of infrastructure to/ from the site and provision of fencing/ lighting on/ throughout the site. Construction is likely to last 24 months.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

10.18.10 I have examined, analysed and evaluated Chapter 10 of the submitted EIAR, all of the associated documents and submission on file in respect of Cultural Heritage. I am satisfied that the applicant's understanding of the baseline environment, by way of desk and site surveys, is fully comprehensive and that the key impacts in respect of likely effects on Cultural Heritage, as a consequence of the development have been identified. The applicant has had full regard to Phase 2 in addition to the subject development which is Phase 1 of their masterplan lands.

10.18.11 I do not foresee any impact on the architectural or archaeological heritage of the area from the proposed development. From my site visit it was evident that the existing buildings on site are in poor condition, and it was noted that roofing was damaged in a number of cases. The farm is separate to the main Bessborough House, which is on the RPS, and I am satisfied that the development of the farm area would not have a negative impact on this protected structure. The retention/ reuse of some of the farm buildings is welcomed and this will ensure a continuity from the original development on site through to the present era and into the future as these will form a core element

of the development of this part of the site. There are no known archaeological features on site, and I agree with the comments in the EIAR, that suitable measures should be put in place in the event that archaeological materials are found on site.

10.18.12 The core issue in the appeals was concern about disturbance of unrecorded burials on site. I note the history of the site and the most recent decision under ABP Ref. 313206-22 in July 2025, which did not include the potential presence of unrecorded burials as a reason for refusal. The EIAR has provided a detailed assessment on this issue and significant supporting documentation/ references are also provided. From the available information there is no evidence that there are unrecorded burials in this area of the overall Bessborough lands. The history of burials on these lands is incomplete due to the unavailability of records over the period of use as a Mother and Baby Home. The provided evidence in the EIAR is that burials did not take place within the subject lands of this application. See also section 8.5 of this report.

10.18.13 The farm was in operation prior to the use of Bessborough House as a Mother and Baby Home with the cartographic details demonstrating the long established presence of the buildings here. Whilst some buildings will be retained, others will be demolished and groundworks will be required to construct the new apartment blocks here. The applicant has proposed specific methodology in relation to groundworks, and I consider this approach to be appropriate. The request for full excavation of the entire Bessborough lands is not appropriate as part of this application as significant areas of land are not proposed for development. Unnecessary excavation could give rise to contaminated run-off, loss of biodiversity and unnecessary expense. It is preferable that no excavation take place on lands not proposed for development.

10.18.14 The proposed development is located in an area with extensive and established urban development, but which will retain significant areas of open space/ parkland. I am satisfied that the applicant has proposed suitable measures in relation to Cultural Heritage and I am satisfied that the impact would not be significant.

Conclusion: Direct and Indirect Effects on Cultural Heritage

I am satisfied that the issues raised are adequately considered and addressed in the EIAR and I am satisfied that the development will not have an adverse negative impact on Cultural Heritage. The subject lands are currently a mix of a greenfield and brownfield site, and the proposed development will see the provision of roads,

residential units, a childcare facility and open spaces on these lands which will result in a change in the site character. Existing buildings are proposed to be demolished, and other buildings will be renovated/ reused as part of the development. The site is located to the south of Cork City and as such the development would provide for a natural extension to the existing urban area.

10.19 Alternatives

Issues Raised

- 10.19.1 An issue raised in the appeals was a consideration that the applicant did not properly address alternatives in their EIAR. The applicant has rejected this and considers that they have fully engaged with this requirement.

Examination of the EIAR

- 10.19.2 I have examined Chapter 3 (Alternatives) of the EIAR which deals with this topic. The following appendices are included in support of this chapter:

- Appendix 3-1: Zoning Map
- Appendix 3-2: Cork City Council – Notice of Opinion Phase 1 ‘The Farm’
- Appendix 3.3: Arboricultural Assessment Phase 1 ‘The Farm’
- Appendix 3.4: Historic Landscape Assessment Report

The applicant has set out the context for this chapter under Section 3.1.1 and refers to the following:

‘Article 5(1) of the Directive 2011/92/EU, as amended by Directive 2014/52/EU states that:

d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment.

f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.

Annex IV point 2 expands further:

2) A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.'

In terms of Article 94 and Schedule 6, paragraph 1(d) of the Planning and Development Regulations 2001, as amended, there is a requirement that the following information be provided in relation to alternatives:

'(d) A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment.'

Alternatives

10.19.3 The applicant has provided a number of alternatives in this Chapter of the EIAR with comment, and which include:

- Alternative Locations – Site is suitably zoned and are the only lands that the applicant has for this proposal.
- Do Nothing Alternative – Requirement for housing, lands are zoned and serviced, site is subject to unauthorised access which would continue, would undermine infrastructure provision in the area, would not restore the historic landscape and would result in a continued deterioration of buildings on this site.
- Alternative Uses – The site is suitable for residential development due to existing character/ landscape and would not be suitable for high intensity employment or industrial development.
- Alternative Layouts – Detailed under Section 3.5. The layout has regard to the existing character of the site and seeks to retain/ reuse some of the buildings on site. The proposed layout also has regard to a masterplan for the overall lands here in Bessborough. Alternatives are provided in the EIAR for the subject lands – Alternatives A, B and C and the same for Phase 2 – The Meadows. The impact of

these alternatives is considered for the Construction and Operational phases. Option C was chosen for this application.

- 10.19.4 Section 3.8 provides a justification for the 'Main Reason for Option Chosen' and this includes the option as a more efficient and technically complete scheme than that outlined in the other options. Issues of visual impact, improved access, impact on Bessborough House and positive environmental impacts on the locality were given as justification for this layout/ proposal.

Analysis, Evaluation and Assessment of Alternatives

- 10.19.5 I note the comments made in the appeal, but I am satisfied that the applicant has provided adequate information on the examination of alternatives. Returning to Article 5(1), the requirement is for 'reasonable alternatives' and the applicant has provided these. The land is zoned and serviced, and it is reasonable to consider that housing would be provided here. The applicant is required to demonstrate compliance with the Cork City Development Plan and relevant Section 28 guidelines, and I am satisfied that in general this is done in terms of the quantum of units proposed, the type of residential unit, quality of individual residential units etc.
- 10.19.6 Suggestion was made in the appeal that insufficient consideration is given for the provision of a park here rather than the proposed housing scheme. I accept that a park would be an alternative to what is proposed, but in terms of reasonable uses or alternatives, it may not be appropriate. Making full consideration of the 'Sustainable Residential Neighbourhoods' zoning which forms part of these lands, housing is an appropriate use of the subject lands, and the layout/ nature of development has regard to the existing character of the area, including the wider Bessborough lands. Significant areas of public open space are proposed as part of this development and the overall masterplan lands. The entire Bessborough lands could be developed as a parkland but this would result in no housing, would require extensive works in the area of the farm to make it safe/ accessible or else fenced off, and would not support proposed infrastructure in the area such as the Cork Luas.

Conclusion: Alternatives

I am satisfied that appropriate consideration of alternatives have been provided in the submitted EIAR. The requirement is for reasonable alternatives to be considered and having regard to the site zoning and established character, I consider the proposed

provision of a residential development to be acceptable in this location. Alternative layouts have been considered, and the applicant has provided a suitable justification for the submitted layout. The submitted EIAR has thoroughly considered alternatives and no concerns arise in relation to environmental impact arising from the proposed development.

10.20 Interactions Between the Foregoing

- 10.20.1 These are referenced in the individual technical chapters and Chapter 15 (Interaction of Impacts) of the EIAR provides an overview of the key interactions identified and addressed in the previous chapters for the construction and operational phases of the development. This is done for Phases 1 and 2 and the combined phases.
- 10.20.2 Table 15.1 provides 'Potential Interaction of Effects Matrix for Phase 1 'The Farm', Phase 2 'The Meadows' and Combined Phase 1 and Phase 2' for the Construction and Operational stages as relevant.
- 10.20.3 I have considered the interrelationships between the various environmental factors and whether these may as a whole affect the relevant environmental factor, even though the effects may be acceptable on an individual basis. Having considered both the embedded design and the proposed mitigation measures, I am satisfied that no residual risk of significant negative interaction between any of the environmental factors would arise and no further mitigation measures in addition to those already provided for in the EIAR, or as conditions of any grant of permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

10.21 Vulnerability to Risks of Major Accidents and/or Disasters

- 10.21.1 This issue is addressed within the relevant chapters of the EIAR, though I note that no individual chapter on this topic is proposed.
- 10.21.2 The site does not fall within the consultation distance of any Seveso site and as reported, the site is not subject to known flooding. No other risk of major accidents or disasters have been identified for these lands. I therefore consider that major accidents and disasters are not likely at this site.

10.22 Reasoned Conclusion

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, and

the submissions from the planning authority, prescribed bodies, and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of the proposed migration measures, are as follows:

- **Population and Human Health:** Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/ facilities in the area, whilst supporting infrastructure proposals in the area such as Cork Bus Connects and Cork Luas.
- **Biodiversity:** Impacts to be mitigated by the proposed landscaping strategy; control of invasive species are introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and birds.
- **Noise & Vibration:** Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations and through the use of suitable noise control techniques on site. Excessive levels of vibration are not expected on site. Operational phase impacts will be imperceptible to noise sensitive receptors outside the site area.
- **Landscape & Visual Impact:** The development will present as a new development in the landscape. This will include new five/ six storey apartment blocks to the north eastern part of the site. Tree loss will be compensated by increased planting of trees throughout the site.
- **Cultural Heritage:** The proposed development would not impact on cultural heritage – no known archaeology on site and sufficient distance from Bessborough House to ensure its protection. A suitable methodology has been developed for implementation in regard to potential for unrecorded burials on site, though evidence would suggest that there are none in this location.

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the

Information to be Contained in Environmental Impact Assessment Reports’ (draft August 2017) and ‘Advice Notes for Preparing Environmental Impact Statements’ (draft September 2015).

In conclusion, the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed development is located on lands that are partially zoned for Sustainable Residential Neighbourhoods, and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the Cork City Development Plan 2022 – 2028 process.

11.0 Water Framework Directive

- 11.1 The subject site is located approximately 550m north east of Lough Mahon, which is a transitional waterbody located to the western side of Cork Harbour and which the River Douglas flows into from the west.
- 11.2 The proposed Large Scale Residential Development (LRD) comprises of the construction of a residential development of 140 units in the form of one, two and three bedroom apartments/ duplexes, a creche and open space on a site of 5.08 hectares, located on lands to the south of the Bessboro Road to the south of Cork City.
- 11.3 I have assessed the LRD development at Bessborough, Cork and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 3 after my report. This assessment considered the impact of the development on the:
- Groundwater
 - Lough Mahon
- 11.4 The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS and the public foul drainage system during the operation phase, all potential impacts can be screened out.

11.5 Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

12.0 Conditions and Recommendations Table

The following table summarises the conditions/ recommendations of the Cork City Council grant of permission and how they will be addressed in a decision to grant permission:

Cork City Council Condition/ Recommendation	Recommended Relevant Condition
1. Development to be undertaken in accordance with the plans and details submitted.	Condition No.1
2. Development to be carried out in accordance with the details and particulars of the EIAR and NIS.	Condition No. 4
3. Omit Block C	Condition No. 2
4. Omit top floor of Block E. Submit revised details.	Not proposed.
5. Employ a Conservation expert and conservation requirements.	Condition No. 6
6. Method statement for conservation works.	Condition No. 7
7. Works to Block A and B to be first.	Condition No. 7
8. Submit details of materials.	Condition No. 8
9. Archaeologist and archaeological requirements.	Condition No. 9
10. Forensic Archaeologist Monitoring Strategy	Condition No. 5
11. Uses in accordance with plans. Hours of operation to be agreed with PA	Condition No. 11
12. Full details of signage	Condition No. 10.
13. Final road details to be agreed with PA	Condition No. 15
14. Extend footpath west of Block C	Not included – Condition No. 2 and 15 revise this.
15. No gates east of Block D	Condition No. 16

16. No gates south of Block A and south of Block C.	Condition No. 16
17. Removed gates east of Block C to surface car park.	Condition No. 16
18. Construction of bridge and open prior to occupation of units.	Condition No. 17
19. Bollards on Bessboro Road.	Condition No. 18
20. Parking restriction.	Condition No. 19
21. No barriers or gates to control access to car parking spaces.	Condition No. 15 and No. 16
22. Agreement on final construction management plan.	Addressed through Condition no. 31
23. Separation of drainage.	Condition No. 23
24. Drainage details.	Condition No. 23
25. Details of a 750mm storm water pipeline.	Condition No. 23
26. CCTV survey of existing drainage.	Condition No. 23
27. Storm drainage details.	Condition No. 23
28. Drainage and taking in charge.	Condition No. 23
29. SuDS measures.	Condition No. 23
30. Compliance with Part H – impact on drainage.	Condition No. 23
31. Tree and vegetation clearance.	Addressed through Condition no. 25
32. Construction material waste.	Addressed through Condition no. 30
33. Noise control on construction sites.	Addressed through Condition no. 31
34. Energy use.	Not included – Not enforceable.
35. Waste measures.	Condition No. 30 and 31.
36. Environmental protection measures.	Addressed through Condition no. 31
37. Prepare a Construction and Demolition Resource Waste Management Plan.	Condition No. 31
38. Landscaping scheme to be implemented prior to occupation of units.	Condition No. 25
39. Details of tree protection measures.	Condition No. 26
40. Landscaping in accordance with Landscaping plan.	Condition No. 25
41. Maintenance plan for green roofs.	Condition No. 25
42. Playground to EU standards.	Not included – Safety Standard.
43. Full details of natural play areas.	Condition No. 25
44. Sign off on landscape works.	Condition No. 25
45. Details of wildflower meadows.	Condition No. 25 – Landscaping details.
46. Details of 225mm diameter sewer to be agreed with Cork City Council.	Condition No. 23
47. Details of interface between proposed development and Mahon Cycle and Pedestrian Safety Scheme to be agreed.	Condition No. 15

48. Employment of a suitably qualified Ecological Clerk of Works.	Condition No. 25.
49. Details of site clearance works.	Addressed through Condition no. 31
50. Bird survey details.	Condition No.4
51. Exclusion zones around identified nests.	Condition No.4
52. Employment of an ecologist where vegetation is to be removed.	Condition No. 25.
53. Ecologist for bats.	Condition No. 25.
54. Public lighting – bat friendly.	Condition No. 13.
55. Invasive species survey and management plan.	Condition No. 4.
56. Barn owl boxes.	Condition No. 28.
57. 20 swift brick nest boxes.	Condition No. 28.
58. Details of log piles.	Condition No. 28.
59. 2 insect hotels.	Condition No. 28.
60. Measures for hedgehogs.	Condition No. 28.
61. Provision of bat boxes.	Condition No. 28.
62. Details of internal road network.	Condition No. 15
63. Quality Audit and Road Safety Audits.	Condition No. 15
64. Repair to infrastructure if damaged.	Not included – Bond covers this.
65. Agreement with Uisce Éireann.	Condition No. 24.
66. Taking in charge details.	Condition No. 27.
67. Formation of management company.	Condition No. 27.
68. Bond.	Condition No. 34.
69. Part V.	Condition No. 33.
70. Financial contributions.	Condition No. 35.

13.0 Recommendation

- 13.1 I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential use under Z0 01 where residential development is proposed with remaining lands zoned for landscape preservation under zoning objective ZO 17. The site is serviced and is located to the southern part of Cork City, and which benefits from existing public transport, social, educational and commercial services. The proposed development is of a suitably high quality and provides for a mix of one, two and three bedroom apartment units which are served by high quality communal and public open space.
- 13.2 I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development will provide for a pedestrian/

cycle bridge over the greenway to the east of the site and this will significantly improve connectivity between the site and the 'Mahon' lands to the east where employment, retail and service are available in addition to high frequency/ capacity public transport.

- 13.3 I consider it appropriate that Block C be omitted in its entirety. The Cork City Development Plan allows for consideration of development on lands zoned for 'Landscape Preservation Zones', which Block C is to be located on. There are specific requirements set out in the Cork City Development Plan, one of which is the requirement to reinstate the historic landscape here. This is a significant requirement and considering the existing character of the site and having regard to the reports of Cork City Council, I consider it appropriate to include a condition that Block C be omitted. This would result in a reduction in the number of units from 140 to 106, thereby reducing the overall density to 73 dph, which remains within the density range of 50 – 120 dph as set out in Table 11.2: 'Cork City Density and Building Height Standards' of the Cork City Development Plan 2022 – 2028. Table 11.2 specifies a density range of 50 - 120 dph for Mahon, which includes the subject site.
- 13.4 As the requirement is for the reinstatement of the historic landscape, there is no opportunity to provide for a revised building design in terms of footprint and/ or height in this location by way of condition. Any development in this part of the site would require additional consultation with Cork City Council. I am satisfied that the other two new blocks are acceptable in terms of height and design and will not have an adverse impact on the character of the area.
- 13.5 The applicant has provided a 'Forensic Archaeological Methodology' and details are provided in Appendix 10-4 of the submitted EIAR. The submitted documentation has full regard to the former use of the Bessborough Lands as a Mother and Baby Home and the potential for a significant number of unrecorded burials to be located on the lands. The submitted information does not suggest that any such burials took place on the subject lands; this is explained by the use as a farm/ presence of farm buildings having been in place prior to the setting up of a Mother and Baby Home and no significant alterations were made to the buildings located here. I am satisfied that a suitable condition be included to ensure that the Forensic Archaeological Methodology is implemented as proposed and as suggested by the Commission under a previous application under ABP Ref. 313206-22.

- 13.6 The proposed development would contravene Objective 11.2 of the Cork City Development Plan 2022 – 2028 on the basis of not demonstrating compliance with the Dwelling Size Mix provided in Table 11.8 for schemes within City Suburbs. However, having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), and the location of the site within an area with established services and good public transport, it is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area. The development would also be justified under SPPR 1 of the Apartment Guidelines 2025, which have not incorporated into the Cork City Development Plan at present but will be under Variation No.3 which came off public consultation in May 2026.
- 13.7 I am satisfied that this subject site, which is located in an established urban area, on appropriately zoned lands, with a range of services available and which is in an accessible location, is suitable for the development of 106 apartment units and note the following:
- The lands are suitably zoned for residential development of this nature. Under the Cork City Development Plan 2022 – 2028, the site is partially zoned ZO 01 – ‘Sustainable Residential Neighbourhoods’ with an objective ‘To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses’. This section of the subject lands is also indicated to be within an ‘Area of High Landscape Value’. The remaining lands are zoned ZO 17 – ‘Landscape Preservation Views’ with an objective ‘To preserve and enhance the special landscape and visual character of Landscape Preservation Zones’.
 - The area is well served by community, social, retail and amenity infrastructure. The proposed development provides for a creche and public/ communal open space.
 - The area is well served by public transport and active travel measures. The proposed development includes a pedestrian/ cycle bridge over the existing greenway, and which gives access to the ‘Mahon’ lands.

- There is a clear requirement for residential units in this part of Cork City and more specifically in this part of Mahon. The proposed development offers a suitable mix of housing which supports the existing housing provision in the area.

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

14.0 Reasons and Considerations

Having regard to:

- (i) the site's location on part of the lands with a zoning objective 'ZO 01 – 'Sustainable Residential Neighbourhoods' with an objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. This section of the subject lands is also indicated to be within an 'Area of High Landscape Value'. The remaining lands are zoned ZO 17 – 'Landscape Preservation Views' with an objective 'To preserve and enhance the special landscape and visual character of Landscape Preservation Zones' in the Cork City Development Plan 2022-2028, wherein development is open for consideration subject to the objectives set out in Chapter 6 – Green and Blue Infrastructure, Open Space and Biodiversity.
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Cork City Development Plan 2022-2028 and appendices contained therein,
- (iii) to Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,
- (iv) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (v) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vi) the Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (vii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area,

- (x) Planning Report and supporting technical reports of Cork City Council,
- (xi) to the submissions and observations received,
- (xii) the Inspectors report;

It is considered that, subject to compliance with the conditions set out below, the proposed development 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 and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Draft Order

15.1 Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 7th of April 2026 by Estuary View Enterprises 2020 Limited.

Proposed Development:

- A Large Scale Residential Development (LRD) consisting of the demolition of 10 agricultural buildings /sheds and the construction of a residential development of 140 no. residential apartment units. Development is situated within the curtilage of Bessborough House which is a Protected Structure (Ref: RPS 490).
- An EIAR and a NIS are included with the application.

Appeal:

First-Party Appeal

and

Third-Party appeals by:

- Bessboro Mother and Baby Home Support Group
- Councillor Peter Horgan

against the decision to grant permission subject to conditions as issued by Cork City Council.

15.2 Decision:

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

Matters Considered:

In 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 site's location on part of the lands with a zoning objective 'ZO 01 – 'Sustainable Residential Neighbourhoods' with an objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. This section of the subject lands is also indicated to be within an 'Area of High Landscape Value'. The remaining lands are zoned ZO 17 – 'Landscape Preservation Views' with an objective 'To preserve and enhance the special landscape and visual character of Landscape Preservation Zones' in the Cork City Development Plan 2022-2028,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Cork City Development Plan 2022-2028 and appendices contained therein,
- (iii) to Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness,

- (iv) the provisions of the National Biodiversity Action Plan 2023-2030, which have been considered,
- (v) the provisions of the Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (January 2024),
- (vi) the Design Standards for Apartments, Guidelines for Planning Authorities, July 2025,
- (vii) the Climate Action Plan 2024 and the Climate Action Plan 2025,
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area,
- (x) Planning Report and supporting technical reports of Cork City Council,
- (xi) to the submissions and observations received,
- (xii) the Inspectors report;

it is considered that, subject to compliance with the conditions set out below, the proposed development 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 and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment (AA):

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and reports on file.

In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the

vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than Cork Harbour SPA (Site Code 004030) which there is a likelihood of significant effects. There was therefore a requirement to carry out a Stage 2 Appropriate Assessment.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Cork Harbour SPA (Site Code 004030) in view of the site's Conservation Objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Commission considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, having regard to the site's conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European site in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

The Commission completed an environmental impact assessment of the proposed development, considering:

- (a) The nature, scale and extent of the proposed development.
 - (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
 - (c) The submissions from the Planning Authority, and the prescribed bodies in the course of the application;
- and
- (d) The Inspector's report.

The Commission considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Commission agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Commission considered the proposed development to be generally in accordance with National and Regional Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area. They were satisfied that

this subject site, which is located in an established urban area to the south of Cork City, on appropriately zoned lands, with a range of services available and which is in an accessible location, is suitable for the development of 106 apartment units and they note the following:

- The location of the site within an established urban area. This undeveloped site is located in Bessborough, Blackrock, within the Cork City administrative area and which has an established history of residential development.
- The lands are suitably zoned for residential development of the nature proposed. Under the Cork City Development Plan 2022 – 2028, part of the site is zoned 'ZO 01 – 'Sustainable Residential Neighbourhoods' with an objective 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. This section of the subject lands is also indicated to be within an 'Area of High Landscape Value'. The remaining lands are zoned ZO 17 – 'Landscape Preservation Views' with an objective 'To preserve and enhance the special landscape and visual character of Landscape Preservation Zones' in the Cork City Development Plan 2022-2028,
- The area is well served by community, social, retail and amenity infrastructure. The proposed development provides for a creche and communal/ public open space.
- The area is well served by public transport and active travel measures.
- There is a clear requirement for residential units in this part of Cork City and more specifically in the Mahon area.
- The proposal is acceptable in terms of meeting the requirements of relevant guidelines including the Apartment Guidelines 2025 and also demonstrates compliance with the Cork City Development Plan 2022 – 2028 in terms of meeting relevant residential standards.

The Commission decided that it is appropriate that Block C be omitted in its entirety. The Cork City Development Plan allows for consideration of residential use on lands zoned for 'Landscape Preservation Zones', which Block C is to be located on. There are specific requirements set out in the Cork City Development Plan, one of which is the requirement to reinstate the historic landscape here. This is a significant requirement and considering the existing character of the site and having regard to the reports of Cork City Council, it is appropriate to include a condition that Block C be

omitted. This would result in a reduction in the number of units from 140 to 106, thereby reducing the overall density to 73 dph, which remains within the density range of 50 – 120 dph as set out in Table 11.2: ‘Cork City Density and Building Height Standards’ of the Cork City Development Plan 2022 – 2028. Table 11.2 specifies a density range of 50 - 120 dph for Mahon, which includes the subject site.

As the requirement is for the reinstatement of the historic landscape, there is no opportunity to provide for a revised building design of Block C in terms of footprint and/or height in this location by way of condition.

The Commission noted that the applicant has provided a ‘Forensic Archaeological Methodology’ with the methodology details provided in Appendix 10-4 of the submitted EIAR. The submitted documentation has full regard to the former use of the Bessborough Lands as a Mother and Baby Home and the potential for a significant number of unrecorded burials to be located on the lands. The submitted information does not suggest that any such burials took place on the subject lands; this is explained by the use as a farm/ presence of farm buildings having been in place prior to the setting up of a Mother and Baby Home and no significant alterations were made to the buildings located here. It is therefore appropriate that a suitable condition be included to ensure that the Forensic Archaeological Methodology is implemented as proposed.

The Commission noted that the proposed development would contravene Objective 11.2 of the Cork City Development Plan 2022 – 2028 as the proposal would not demonstrate compliance with the Dwelling Size Mix provided in Table 11.8 for schemes within City Suburbs. However, having regard to the urgent need for housing supply to facilitate increased population growth and compact growth in accordance with the National Planning Framework First Revision (April 2025), and the location of the site within an area with established services and good public transport, it is considered that having regard to the provisions of 37(2)(a) of the Planning and Development Act 2000 (as amended), that the proposed development would be in accordance with the proper planning and sustainable development of the area.

The Commission considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density 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 proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended through the omission of Block C, its associated access road and car parking in their entirety. The removal of Block C includes the following:

- The access road and car parking to the west of the site of Block C shall be omitted.
- Car parking shall be provided on the site of the northern part of the footprint of Block C/ to the south of the access road where it turns east.
- Additional car parking shall be provided to the north of Car Parking Space 25 and the proposed motorcycle parking be relocated to the north of these spaces.

- All impacted footpaths etc. shall be revised in accordance with the above.
- The final number and location of car parking spaces shall be agreed with Cork City Council.

Full details, including revised site layout and site sectional drawings shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interests of cultural heritage and to support the restoration of the historic landscape on this part of the subject site.

3. The number of residential units permitted by this grant of permission is 106 residential units in the form of 61 x one bedroom units, 44 x two bedroom units and 1 x one bedroom unit.

Reason: In the interests of clarity.

4. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), the Natura Impact Statement (NIS) and the Outline Invasive Species Management Plan shall be implemented in full.

Reason: To protect the environment.

5. Prior to the commencement of on-site development, the developer shall submit for the written agreement of the Planning a forensic archaeological monitoring methodology that is in accordance with Appendix 10.4 of the submitted Environmental Impact Assessment Report.

Reason: In the interest of proper planning and suitable recording of the site development works.

6. Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority confirmation that:

- a) The development shall be carried out under the supervision of a qualified professional with specialised conservation expertise, details to be provided, who shall certify upon completion that the works have been carried out in accordance with best conservation practice;
- b) Competent site supervision, project management and skilled tradespeople will be engaged, who are suitably experienced in building conservation work.

Reason: To protect the historic building fabric and to enhance the character and integrity of the historic structure.

7. Prior to the commencement of development, a detailed method statement for the repair and conservation of existing historic buildings A and B, to include the boundary wall and gates, shall be prepared by a qualified professional with specialised conservation expertise and shall be submitted for the written agreement of the Planning Authority. This method statement shall include:

- a) Full specifications, including details of materials and methods, to ensure that the development is undertaken in accordance with best conservation practice;
- b) Information relating to the protection of existing historic fabric from damage during the conservation works.

These repair works shall be in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

The Conservation works to Building A and B and their boundary treatments including historic gates, shall be undertaken first.

Reason: In the interest of protecting, conserving and enhancing the heritage of the protected structure and its curtilage structures and demesne.

8. Details of the materials, colours, and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity and visual amenity.

9. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks as appropriate, following consultation with the Local Authority Archaeologist. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monument Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the Planning Authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

10. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. The hours of operation of the creche and the number of children to be accommodated shall be agreed in writing with the Planning Authority prior to the commencement of operation.

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

12. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the proposed buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

15. a) The road network serving the proposed development, including junction tie ins, the interface between proposed development and Mahon Cycle and Pedestrian Safety Scheme, provision of turning bays, parking areas, footpaths and kerbs, access road to service areas, provision of suitable set-down/ pick-up areas/ service delivery areas shall be in accordance with the detailed construction standards of the Planning Authority for such works.

b) A Stage 3 Road Safety Audit shall be provided in accordance with the requirements of Cork City Council.

c) The footpath running to the west of Block E shall be extended north to connect with the Bessboro Road.

In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

16. The developer shall ensure the following:

a) The pedestrian gates which serve the Communal Amenity Area/ Café, to the east of Block D, shall be removed and no gates or barriers shall be erected in advance of receipt of planning permission for such works.

b) The pedestrian gate to the south of Block A and to the south of Block C shall be omitted and no gates or barriers shall be erected in advance of receipt of planning permission for such works. A minimum width of 5.0 m shall be provided at the pedestrian entrance to the south of Block C.

c) The existing pedestrian entrance to the east of Block C and which serves the surface car park shall be ungated and no gates or barriers shall be erected in advance of receipt of planning permission for such works.

d) No gates shall be provided to block access to car parking spaces.

Reason: To support enhanced sustainable mobility and ensure the creation of a safe pedestrian environment.

17. The provision of the active travel bridge and access road to the Passage West Greenway from the proposed development will be provided in the first phase of the development. This bridge shall be constructed and open to the public prior to the first occupation of the apartment units.

Reason: In the interest of orderly development and to support enhanced sustainable mobility.

18. The developer shall provide for suitable bollards or planting along Bessboro Road opposite the public plaza in order to prevent unauthorised parking.

Reason: In the interest of proper planning and in the interest of pedestrian/ traffic safety.

19. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development as indicated and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Car parking for the creche shall be clearly identified for that purpose only.

(c) Suitable indicated car parking shall be made available for car share use.

(d) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

20. A minimum of 20% of all car parking spaces serving the apartment units should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

21. A total of 330 no. bicycle parking spaces, room for cargo bicycles and E-Bikes with suitable infrastructure, shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Coimisiún Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

22. The developer shall implement in a Mobility Management Plan which shall be overseen by an appointed Mobility Manager.

Reason: In the interest of promotion of sustainable transport.

23. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

24. The developer shall enter into water and waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

25. a) The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

b) Full details of site management to be agreed with the Planning Authority prior to the commencement of development.

c) A fully qualified arborist shall be employed during the site development works.

d) A fully qualified Landscape Architect shall be employed during the landscaping phases of the development.

e) A fully qualified Ecological Clerk of Works shall be employed during the development of the site.

Reason: In the interest of residential and visual amenity.

26. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

27. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

28. Details and locations of the following, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:

- a) The provision of two barn owl nest boxes in suitable trees.
- b) The provision of 20 swift brick nest boxes in suitable locations.
- c) The provision of two insect hotels.
- d) Suitable connectivity measures within and to/ from the site for hedgehogs.
- e) Details of suitable log pile locations on site.
- f) Provision of suitable bat boxes on site.

The above to be guided by the Ecological Clerk of Works.

Reason: In the interest of protecting and promoting biodiversity.

29. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

30. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern Region.

Reason: In the interest of sustainable waste management.

31. The construction of the development shall be managed in accordance with a Construction Management and Demolition 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:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction and demolition refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- 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;

- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- 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;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- 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.
- 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.

Reason: In the interest of amenities, public health and safety.

32. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

33. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the

Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Coimisiún Pleanála for determination.

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

34. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

35. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the

terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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

Paul O'Brien

Inspectorate

18th June 2026

Appendix 1: Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	A Large-Scale Residential Development (LRD) for the demolition of existing agricultural structures/ a log cabin and for the construction of 140 apartment units, creche and all associated site works on lands in Bessboro, Ballinure, Blackrock, Co. Cork.
Brief description of development site characteristics and potential impact mechanisms	The subject site with a stated area of 5.08 hectares, of which 1.46 hectares is to be developed, comprises lands to the south of the Bessboro Road, approximately 4.5km to the south east of Cork city centre. The development consists of the demolition of agricultural sheds/ structures and a log cabin and the construction of 140 apartment units in three blocks as well as the retention/ re use of former buildings on this site. The development also provides for a creche, car/ bicycle parking, open space and all associated site works. Foul drainage will be through the public system with water also supplied from the public system. The Douglas River is approximately 680m south of the site. The River Lee is approximately 1.5km to the north of the subject lands. Potential Impact Mechanisms: Construction Phase: • Loss of Habitats – Can be ruled out due to the development lands not within a designated site,

	there are no suitable foraging habitats here and there was no recorded SCI Birds, waders or waterfowl using these lands during the survey period of the Winter of 2025. • Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies or surface water network – cannot be ruled out. • Impacts from Disturbance – Can be ruled out. No SCI Birds were found on site during the survey period of Winter 2025. Existing disturbance comes from the N40 road and other urban development in the area which includes noise/ light pollution. Some increase in human traffic but no significant change is predicted. • Impact from Invasive Species – Japanese Knotweed and Himalayan Knotweed have been recorded on site. These have been screened in for further assessment. Operational Phase: • Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies or surface water network – cannot be ruled out. • Foul drainage could be discharged to Cork Harbour and Lough Mahon – Can be ruled out. The treatment plant at Carrigrenan has capacity to treat effluent from this development. Any discharge, post treatment, would be negligible and would not impact on the water quality of designated sites. • Impacts from Disturbance – Can be ruled out. No SCI Birds were found on site during the survey period of Winter 2025. Existing
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	disturbance comes from the N40 road and other urban development in the area which includes noise/ light pollution. Some increase in human traffic but no significant change is predicted.				
	• Collision Risk – Can be ruled out as no significant risk arises from this development. • Impact from Invasive Species – Japanese Knotweed and Himalayan Knotweed have been recorded on site. These have been screened in for further assessment.				
Screening report		Y - The Applicant submitted an Appropriate Assessment Screening Report dated December 2025 – Contained within Appendix 9-5 of the submitted EIAR.			
Natura Impact Statement		Y - The Applicant submitted a Natura Impact Statement (NIS) dated December 2025 – Contained within Appendix 9-5 of the submitted EIAR.			
Relevant submissions		The submitted appeals did not raise any specific issues of concern in relation to Appropriate Assessment.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model					
The Applicant’s submitted AA Screening included the following:					
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N	
• Great Island Channel SAC (001058)	Mudflats and sandflats not covered by	4.7km to the east	• Due to distance and dilution effect,	N • No further	

	seawater at low tide [1140] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330] (NPWS, June 2014)		no significant impact on water quality is predicted to occur. Due to distance and no direct hydrological connection, no impact due to Invasive Species is predicted to occur.	assessment required. No further assessment required.
Cork Harbour SPA (004030)	- Little Grebe (Tachybaptus ruficollis) [A004] - Great Crested Grebe (Podiceps cristatus) [A005] - Cormorant (Phalacrocorax carbo) [A017]	330m to the south.	Surface water run-off containing silt, sediments and/ or other pollutants into Cork Harbour SPA – Construction and	Y Screened in for further assessment.

	• Grey Heron (Ardea cinerea) [A028] • Shelduck (Tadorna tadorna) [A048] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054] • Red-breasted Merganser (Mergus serrator) [A069] • Oystercatcher (Haematopus ostralegus) [A130] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Lapwing (Vanellus		Operational Phases. • Invasive Species could be spread during the construction phase.	• Screened in for further assessment.
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	vanellus) [A142] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] • Redshank (Tringa totanus) [A162] • Black-headed Gull (Chroicoceph alus ridibundus) [A179] • Common Gull (Larus canus) [A182]			
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	• Lesser Black-backed Gull (Larus fuscus) [A183] • Common Tern (Sterna hirundo) [A193] • Wigeon (Mareca penelope) [A855] • Shoveler (Spatula clypeata) [A857] • Wetland and Waterbirds [A999]			
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Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Cork Harbour SPA (004030)	Direct: • Potential significant effect due to direct hydrological connection to the site.	• Impact on water quality during the construction and operational phases of the proposed development.

	• Spread of Invasive Species.	Would impact on SCI species. • Spread of Invasive Species during the construction phase. Potential for impact on SCI species.
	Likelihood of significant effects from proposed development (alone): YES. Consideration is also given to In-Combination Effects.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development would have a likely significant effect ‘alone’ on QIs associated with Cork Harbour SPA (004030) – • Potential for water pollution due to surface water drainage runoff during the construction and operational phases of the development. • Potential for impacts from the spread of Invasive Species during the construction phase. An Appropriate Assessment is required on the basis of the effects of the project ‘alone’. Further assessment in-combination with other plans and other projects is not required at this time.		

Appendix 2

Stage 2 – Appropriate Assessment

The applicant has provided a Natura Impact Statement (NIS), in accordance with the requirements of the Stage 2 Appropriate Assessment process. A detailed list of supporting documentation is provided in the submitted Natura Impact Statement.

I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the Cork Harbour SPA, where it has been established that there is a possibility for significant effects on the designated European sites, in the absence of mitigation as a result of hydrological impacts and spread of Invasive Species. As reported in the Appropriate Assessment Screening, all other European designated sites can be excluded from the need for further assessment.

Table 10 of the applicant's NIS report provides 'SCI Species for which a potential impact has been identified – specific targets' and Table 11 provides 'Conservation Status of SCI Species within Cork Harbour'.

Section 6 of the applicants NIS provides details on the 'Mitigation' measures to be used on site. 'General Mitigation Measures' (Section 6.1) include the use of a CEMP. Section 6.2 'Construction Works Management' includes full details on how construction will be undertaken on site. Specific measures include a temporary construction access, protection of trees to be retained, storage area for materials, a site batch concrete area, use of silt traps, controlled demolition of existing structures on site, trenching, construction of bridge, undergrounding of services, provision of foul drainage network/ connections, surface water network/ connections, piling as required and erection of fencing/ boundary treatment and landscaping. Construction is expected to take 24 months to complete.

Section 6.3 details appropriate 'Water and wastewater controls' and includes the provision of water supply, foul drainage and surface water drainage systems to serve this development. 'Water Mitigation Measures' are detailed under Section 6.4, with specific details under Section 6.4.1. Section 6.4.2 outlines measures to be taken in regard to 'Accidental Spills and Leaks', including the storage and use of oils. Concrete is detailed under Section 6.4.3. Section 6.4.4 outlines measures for 'Wheel Wash Areas' and 'Inspections and monitoring' is detailed under 6.5.

Invasive Species are covered under Section 6.6. Appendix 4 of the NIS includes an 'Outline Invasive Species Management Plan (ISMP)' and I note this to be thorough and includes the management of additional species to those listed in the AA.

Potential impacts on the designated sites have been identified in the applicant's report. Where significant effects are identified, suitable mitigation measures and avoidance measures have been identified to overcome such issues. The NIS concludes,

'It has been objectively concluded following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted effects from the proposed development and with the implementation of the mitigation measures proposed, that the construction and operation of the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects. There is no reasonable scientific doubt in relation to this conclusion. The competent authority will make the final determination in this regard.'

Cumulative Impacts:

The applicant has provided Table 12 in their submitted NIS and which details 'Other developments near site and potential cumulative impacts'. Included within this extensive table are a number of 'Plans and Projects' such as the 'River Basin Management Plan 2022 – 2027 and the 'Water Services Strategic Plan (WSSP, 2015)'; the listed plans and projects are found to have either positive effects or negligible long-term impacts on water quality/ designated European sites such as Cork Harbour SPA.

A number of planning applications/ developments in the area are listed and overall, it was found that there were no in-combination effects predicted to occur within the Cork Harbour SPA.

NIS Assessment:

I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The Cork Harbour SPA is subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

Aspects of the Development that could adversely affect the designated sites: The main aspects of the development that could impact the conservation objectives of the European sites are through deterioration of water quality by pollution and deposition of silt/ sediment/ contaminated water and dust during the construction phase and through invasive species.

Mitigation: A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction and operational phases of this development.

Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation

measures. I consider that the mitigation measures are necessary having regard to the proximity/ hydrological connection of the site to the Cork Harbour SPA (Site Code 004030). Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction and operational phases of the development.

Appropriate Assessment Conclusion:

The proposed residential development on lands to the south of the Bessboro Road, within the former Bessborough House Lands, Cork, to the north of the Douglas River have been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Cork Harbour SPA (004030). Consequently, an AA was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Cork Harbour SPA (Code 004030) subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the Cork Harbour SPA (Code 004030).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Cork Harbour SPA (Code 004030).

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in

relation to the identified designated Natura 2000 site. I consider it reasonable to conclude that on the basis of the information submitted in the NIS, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the Cork Harbour SPA (Code 004030).

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	ACP-324153-26	Townland, address	Bessborough, Ballinure, Blackrock, Co. Cork
Description of project		A Large-Scale Residential Development (LRD) for the demolition of existing agricultural structures/ a log cabin and for the construction of 140 apartment units, creche and all associated site works on lands in Bessboro, Ballinure, Blackrock, Co. Cork.	
Brief site description, relevant to WFD Screening,		The subject site with a stated area of 5.08 hectares, of which 1.46 hectares is to be developed, comprises lands to the south of the Bessboro Road, approximately 4.5km to the south east of Cork city centre. The development consists of the demolition of agricultural sheds/ structures and a log cabin and the construction of 140 apartment units in three blocks as well as the retention/ re use of former buildings on this site. The development also provides for a creche, car/ bicycle parking, open space and all associated site works.	
Proposed surface water details		SuDS measures to be implemented by the developer in the engineering and landscaping design.	

Proposed water supply source & available capacity		For Cork City and suburbs, for water supply there is 'Capacity Available - LoS improvement required' – dated April 2026.					
Proposed wastewater treatment system & available capacity, other issues		For Cork City and suburbs, including the subject site, in terms of wastewater treatment there is a 'Green' indication of available capacity – dated April 2026.					
Others?		N/A					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	Mitigation Measures Proposed	Is mitigation sufficient ? Will there be any residual impacts?
Groundwater	0m Ballincollig (IE_SW_G_002)	Good	Not at Risk	N/A	Groundwater	SuDS Measures as part of	Yes, no residual

						the developmen t	impacts expected.
Transitional Waterbody	550m to the south east. Lough Mahon (IE_SW_060_0750)	Moderate	Monitoring	Urban Waste water.	Surface water run-off/ Drainage.	Suitable foul drainage system and treatment in public system.	Yes, no residual impacts expected.