



Material Contravention Statement

Proposed Strategic Housing Development at (The Farm)
Bessborough, Ballinure, Blackrock, Cork

Estuary View Enterprises 2020 Limited
March 2022

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01. Introduction

1.1 PURPOSE OF STATEMENT

HW Planning has been appointed by Estuary View Enterprises 2020 Limited to prepare this statement to address aspects of the proposed Strategic Housing Development in relation to Phase 2 'The Farm' at Bessborough, Ballinure, Blackrock, Cork that may be considered to materially contravene certain non-land use policies and objectives of the Cork City Development Plan 2015 - 2021 (CCDP).

The proposed development may be considered to materially contravenes policies, objectives and standards contained in the CCDP in respect of Social Housing under Part V, Density, Plot Ratio, Unit Mix and Household Size, Unit Size, Dual Aspect, Floor to Ceiling Heights and Stair Core to Unit Ratio.

The Planning and Development (Housing) and Residential Tenancies Act, 2016 ("the 2016 Act"), empowers An Bord Pleanála to grant permission for a strategic housing development which materially contravenes policies and objectives of a Development Plan or Local Area Plan, other than in relation to the zoning of land. In these circumstances, the provisions of Section 9(6) of the 2016 Act are relevant:

(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under Section 4 even where the proposed development, or part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if Section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.

In circumstances where: (i) the Board has the power to decide to grant permission for a proposed SHD where the proposed development contravenes the development plan or local area plan; (ii) the proposed Phase 2 'The Farm' SHD does not contravene the development plan or local area plan in relation to the zoning of land; then (iii) the provisions of section 37(2)(b) of the Planning and Development Act 2000 ("the 2000 Act") are relevant to the Board's consideration of this planning application. In this respect, subsection 37(2) states:

(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development

contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that -

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Section 8(1)(iv)(II) of the 2016 Act specifies that, where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

A response to the relevant criteria above is provided in Section 03 of this report and demonstrates that one or more of the criteria in section 37(2)(b) are satisfied in respect of the proposed Phase 2 'The Farm' SHD, thereby enabling the Board to decide to grant permission, notwithstanding the material contravention of the subject policies, objectives and standards of the CCDP.

This statement addresses the material contraventions of certain policies, objectives and standards contained in CCDP and sets out the reasons why the Board should nonetheless grant permission, having regard to the provisions of section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

1.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The development will consist of the demolition of 10 no. existing agricultural buildings /sheds and log cabin residential structure and the construction of a residential development of 140 no. residential apartment units over 2 no. retained and repurposed farmyard buildings (A & B) with single storey extension and 3 no. new blocks of 3-5 storeys in height, with supporting resident amenity facilities, crèche, and all ancillary site development works. The proposed development includes 140 no. apartments to be provided as follows: Block C (9 no. 1-bedroom and 25 no. 2-bedroom over 3 storeys), Block D (34 no. 1-bedroom & 24 no. 2-bedroom over 3-4 storeys), Block E (27 no. 1-bedroom, 20 no. 2-bedroom & 1 no. 3-bedroom over 4-5 storeys). It is proposed to use

retained Block A and Block B for resident amenities which include home workspace, library, lounge and function space.

The proposal includes a new pedestrian/cycle bridge over the adjoining Passage West Greenway to the east, connecting into the existing down ramp from Mahon providing direct access to the greenway and wider areas, as well as new pedestrian access to Bessborough Estate to the north including upgrades to an existing pedestrian crossing on Bessboro Road. The proposed development provides for outdoor amenity areas including publicly accessible parkland, landscaping, surface car parking, bicycle parking, bin stores, substation, public lighting, roof mounted solar panels, wastewater infrastructure including new inlet sewer to the Bessborough Wastewater Pumping Station to the west, surface water attenuation, water utility services and all ancillary site development works. Vehicular access to the proposed development will be provided via the existing access road off the Bessboro Road. Part of the proposed development is situated within the curtilage of Bessborough House which is a Protected Structure (Reference: RPS 490).

An Environmental Impact Assessment Report and a Natura Impact Statement have been prepared in respect of the proposed development.

1.3 LAND USE ZONING



Figure 1.1 Zoning Map

As Figure 1.1 identifies, the north-eastern portion of the subject site falls within the CCDP zoning objective for the lands to the north and east of the Bessborough Estate: 'ZO 4 - Residential, Local Services & Institutions'. This area is also designated as an 'Area of High Landscape Value' (hatched area in insert map). The specific zoning objective ZO4 for 'Residential, Local Services & Institutions' is:

To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

In relation to development within 'Areas of High Landscape Value' Objective 10.4 of the CCDP indicates that:

Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against

development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures, and landmarks; and the ecological and habitat value of the landscape.

The Southern portion of the site is zoned SE 4 Bessboro House 'ZO 12 -Landscape Preservation Zone', with the objective to preserve and enhance the character and visual amenity of the Landscape Preservation Zone. Development will be considered only where it safeguards the value and sensitivity of the particular landscape and achieves the respective site specific objectives.

In relation to SE 4 – Bessboro House lands, these 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.

In the Council Submission on the Section 5 Consultation, dated 11/10/21, Section 3.4.2 noted in relation to development on the north-eastern portion of the site that:

It is considered that any proposed development should respond to the scale of the significant tree coverage within, and adjacent to, the site (in the Bessboro Grounds and the Old Passage Railway). It is considered that to comply with this objective the scale of blocks on the site will need to have a neutral / positive impact on the landscape character.

Section 3.4.2 also notes the report of the Senior Planner with Planning Policy, dated 6th October 2021 Planning Policy, which states that:

from a strategic planning perspective, the proposed development can be supported in principle under the ZO 12 Landscape Preservation Zone (SE 4) designation, as it would respect the historic landscape and introduce development to the north of Bessborough House, which would not contravene the land use or associated development objectives..

Section 3.4.2 concludes that:

In this regard, it is considered that while the principle of the development complies with the zoning objectives of the Cork City Development Plan, the development must be assessed in terms of design, conservation and heritage.

1.4 MATERIAL CONTRAVENTIONS OF THE CORK CITY DEVELOPMENT PLAN 2015 - 2021

It is considered that the proposed SHD may materially contravene policies, objectives and standards of the CCDP in relation to Social Housing under Part V, Density, Plot Ratio, Unit Mix and Household Size, Unit Size and Stair Core to Unit Ratio. This statement sets out the how the Board can grant a permission for the proposed strategic housing development having regard to Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

Section 37(2)(b)(i) of the Planning and Development Act, 2000 (as amended) directs that An Bord Pleanála can only grant permission for a development that materially contravenes the development plan where “*the proposed development is of strategic or national importance*”. This is demonstrated at Section 3.1 of this statement. Furthermore, the material contraventions referred to above are discussed in detail in Section 3 with regard to the relevant policies and objectives of the CCDP and the manner in which Section 37(2)(b)(ii), (iii) or (iv) considerations apply.

1.4.1 Parking Provision

Aside from the items listed above, in the context of parking provision, Figure 16.1 and Table 16.8 of the CCDP provide guidance on car parking. The subject development is located in Parking Zone 3, where 1 car parking space plus 0.25 spaces for visitor parking is specified for 1-2 bedroom residential units, and 2 car parking spaces plus 0.25 spaces for visitor parking is set out for 3 bedroom and larger units.

In addition, in relation to the proposed creche, the CCDP stipulates 1 no. parking place is required per 6 no. students. In the context of the subject application where provision is made for a 25 no. child place creche, this sets out a maximum requirement for 4 no. car parking spaces. However, Section 16.107 states that “*These standards are maximums in order to constrain car trip generation and promote patronage of “green” modes of transport.*”. There are no minimum requirements.

The proposed development will provide a total of 58 no. parking spaces, 54 no. of which are for resident use with an additional 4 no. creche drop-off spaces. This represents a 0.38 resident car parking ratio per unit. An Bord Pleanála (ABP) has recently granted permission for development at the Former Ford Factory site in Cork’s South Docks (ABP Ref: ABP-309059-20) with a similar parking ratio of 0.39 car parking spaces per unit. The ABP Inspector, in their assessment of the scheme, was of the opinion that ‘*Reduced levels of car parking are provided in line with emerging policy for the area, as a measure to encourage modal shift.*’ The proposed quantum of car parking in the subject application, is not therefore, considered a material contravention of the CCDP. The ABP Inspector noted in relation to a recent application on an adjacent Bessborough site (ABP-308790-20) that:

Given the site’s location close to existing and planned public transport services at Mahon and to employment and retail services at Mahon, coupled with its relative proximity to Blackrock and Cork City I consider that the rate of car parking provision can be justified in this instance as a means of encouraging use of sustainable transport modes.

02. Policy background

2.1 NATIONAL POLICY

The key National Policies of relevance to the proposed development are.

- Project Ireland 2040: National Planning Framework;
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009);
- Sustainable Urban Housing: Design Standards for New Apartments (2020); and
- Urban Development and Building Heights Guidelines for Planning Authorities (December 2018).

2.1.1 Project Ireland 2040: National Planning Framework

One of the principal goals of the NPF is to deliver compact growth through the activation of strategic areas and achieving effective density and consolidation. Promoting the compact growth approach rather than a continued sprawl of urban development, is listed as one of the NPF's key priorities and will be achieved by future developments complying with the following National Policy Objectives:

National Policy Objective 2A - *A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.*

National Policy Objective 3B - *Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.*

National Policy Objective 3c - *Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.*

National Policy Objective 4 - *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 Policy Objective 6 - *Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.*

National Policy Objective 8 - *Ensure that the targeted pattern of population growth of Ireland's cities to 2040 is in accordance with the targets set out in Table 4.1.*

City	Population 2016	Population Growth to 2040 ²⁷		Minimum Target Population 2040
		% Range	People	
Dublin - City and Suburbs	1,173,000	20-25%	235,000 - 293,000	1,408,000
Cork - City and Suburbs	209,000	50-60%	105,000 - 125,000	314,000
Limerick - City and Suburbs	94,000	50-60%	47,000 - 56,000	141,000
Galway - City and Suburbs	80,000	50-60%	40,000 - 48,000	120,000
Waterford - City and Suburbs	54,000	50-60%	27,000 - 32,000	81,000

Figure 2.1 Extract of Table 4.1 Targeted Pattern of City Population Growth contained within the NPF

National Policy Objective 11 - *In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*

National Policy Objective 13 - *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. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*

National Policy Objective 32 - *To target the delivery of 550,000 additional households to 2040.*

National Policy Objective 33 - *To prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*

National Policy Objective 35- *Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.*

Key Future Growth Enablers for Cork include.

- *Progressing the sustainable development of new greenfield areas for housing, especially those on public transport corridors, such as Monard; and*
- *Identifying infill and regeneration opportunities to intensify housing development in inner city and inner suburban areas, supported by public realm and urban amenity projects.*

2.1.2 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009)

The Sustainable Residential Development in Urban Areas, 2009 (SRDUA) provides statutory guidelines which will assist planning authorities, developers, architects and designers in delivering

high quality residential development. The objective of the document is to produce high quality and crucially sustainable developments.

Section 4.2 of the Guidelines sets out the following in relation to density, efficient use of land and public open space provision in institutional lands:

In institutional lands and 'windfall' sites which are often characterised by a large private or institutional building set in substantial open lands and which in some cases may be accessible as an amenity to the wider community, any proposals for higher density residential development must take into account the objective of retaining the "open character" of these lands, while at the same time ensuring that an efficient use is made of the land. In these cases, a minimum requirement of 20% of site area should be specified; however, this should be assessed in the context of the quality and provision of existing or proposed open space in the wider area. Whilst the quantum of open space may be increased vis-à-vis other sites, the amount of residential yield should be no less than would be achieved on any comparable residential site. Increasing densities in selected parts of the site subject to the safeguards expressed elsewhere may be necessary to achieve this.

2.1.3 Sustainable Urban Housing: Design Standards for New Apartments, 2020

The Guidelines refer to the need to significantly increase supply as a key pillar of the overarching Rebuilding Ireland Housing Action Plan. Urban Areas are identified as the most suitable locations for apartments and are divided into 3 categories:

1. Central and/or Accessible Urban Locations,
2. Intermediate Urban Locations; and
3. Peripheral and/ or Less Accessible Urban Locations.

Section 2.4 of the Guidelines define Central and/or Accessible Urban Locations' as:

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

These definitions are meant to be interpreted as typical rather than 'exhaustive' and the Guidelines indicate that the full range of locations "will require local assessment that further considers these and other relevant planning factors".

The Phase 2 'The Farm' site is located in what can be defined as an 'Accessible Urban' location based on Category 1 and 3 of the apartment Guidelines as it is within easy walking distance of significant employment hubs in the form of the Mahon District Centre, which includes Mahon Point and Mahon Retail Park, City Gate and numerous other business parks and industrial estates.

The subject site is less than 100m from a bus stop served by the 215/215A/219 bus services which have a combined peak time frequency of 10 minutes. It is also within 5 minutes' walk of a

bus stop served by the 202/202A services, which have a peak time service frequency of 10 minutes.

The high capacity Light Rail Transit (LRT) public transport corridor from Mahon to Ballincollig via Centre Park Road, as put forward in the CMATS, will provide an additional mode of travel for future residents.

The ABP Inspector in assessing the Former Ford Factory site in Cork's South Docks (ABP Ref: ABP-309059-20) noted that such accessible locations, close to employment, urban amenities, parks and the waterfront are particularly suited to apartments:

Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments.

The Guidelines indicate that such areas are suitable for higher density apartment developments where the quantum of car parking can be “*minimised, substantially reduced or wholly eliminated*”.

Specific space standards contained within the Apartment Guidelines are referenced throughout this document.

2.2 REGIONAL POLICY

The Regional Spatial Economic Strategy: Southern Region (Cork Metropolitan Area Strategic Plan) (2020) represents the relevant regional policy pertaining to the subject site.

2.2.1 Regional Spatial Economic Strategy: Southern Region (Cork Metropolitan Area Strategic Plan) (2020)

The purpose of the Regional Spatial and Economic Strategies (RSES) is to support implementation of the National Planning Framework while facilitating choices that reflect the differing needs of the regions. The strategies are proposed in the context of a renewed focus on “Regional Parity” in the NPF, being promoted to address anti-competitive pressures on Dublin by offering more sustainable choices and options for people, businesses and communities that can positively influence more sustainable patterns of living and working which benefit our entire society and make our economy more equitable and resilient.

Some of the key specific aims include:

- *Cork City and suburbs population increasing by 115,000 additional people (an increase of more than 55%) from a population of 209,000 in 2016 to 324,000 by the year 2040.*

Regional Planning Objective (RPO) 10 for the Southern Region aims to achieve Compact Growth in Metropolitan Area by.

a) Prioritise housing and employment development in locations within and contiguous to existing city footprints where it can be served by public transport, walking and cycling.

The RSES identifies the delivery of sustainable regeneration and growth (particularly compact growth) through effective sustainable transport, spatial land use planning and the delivery of sustainable higher densities.

RPO 151 - Integration of Land Use and Transport states the following principles of land use and transport integration will guide development:

a) For urban-generated development, the development of lands, within or contiguous with the existing urban areas will be prioritised over development in less accessible locations.

b) Residential development will be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport—including infill and brownfield sites are prioritised.

The RSES places a significant emphasis on quality placemaking and the creation of new sustainable neighborhoods. RPO 176 - 10 minute City and Town Concepts aims to:

attain sustainable compact settlements whereby, a range of community facilities and services are accessible in short walking and cycle timeframes from homes or are accessible by high quality public transport services by connecting people to larger scaled settlements delivering these services .

Mahon is situated within the Cork Metropolitan Area Strategic Plan (MASP) region. Cork MASP Policy Objective 1 states the following overall objective.

To strengthen the role of the Cork Metropolitan Area as an international location of scale, a complement to Dublin and a primary driver of economic and population growth in the Southern Region.

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

Cork MASP Policy Objective 7 states.

Identify and deliver strategic locations for increased residential and employment use at public transport interchange locations relating to the proposed Light Rail Transit Route, Suburban Rail and the strategic bus network, where high levels of accessibility by public transport can be achieved. Seek sustainable higher densities where practicable at public transport nodal points.

Section 3.2 of the Cork MASP refers to the Guiding Principles for the future of the area including the following:

Compact Sustainable Growth - *Promote consolidation of Cork City and suburbs, refocus on the development of brownfield and infill lands to achieve a target of a minimum 50% of all new homes within the existing built-up footprint in Cork and 30% in other metropolitan settlements.*

Integrated Transport and Land Use - *Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects under the development of a Cork Metropolitan Area Transport Strategy (CMATS).*

Accelerate Housing Delivery - *Activate strategic residential development areas and support the steady supply of sites to accelerate housing supply..... to achieve higher densities in the urban built up areas, supported by better services and public transport.*

Better alignment of growth - Target 'catch up' investment to support employment, infrastructure and amenity provision and/or sustainable transport links in metropolitan towns and suburban areas that have experienced high levels of population growth but are reliant on other areas for employment and/or services.

Section 5.0 identifies strategic housing and regeneration locations within the Cork Metropolitan area. Achieving NPF growth targets will require in depth consideration for new locations. Mahon is identified as a strategic housing location along the potential light rail corridor. Below are the RSES objectives and infrastructure priorities for the Mahon region:

- Potential Residential Yield: 1021 units
- New public transport bridge and route linking via Bessboro to Mahon.
- Expansion and upgrading of amenity areas and walking/ cycling routes.
- Investment in retrofitting infrastructure and services (physical, social and recreational) to improve quality of life for communities.

2.3 LOCAL PLANNING POLICY

2.3.1 Cork City Development Plan 2015 -2021

The Cork City Development Plan is Cork City Council's main strategic planning policy document intended to guide the development of the city up to 2021. The subject application will be determined prior to the adoption of the Draft Cork City Development Plan 2022-2028 in August 2022 therefore the Cork City Development Plan 2015-2022 is the relevant local planning policy pertaining to the subject application. The vision for Cork over the lifetime of the Plan and beyond, as expressed in the main goals in the Core Strategy, is to deliver:

- *Increase population and households to create a compact sustainable city;*
- *Achieve a higher quality of life, promote social inclusion and make the city an attractive and healthy place to live, work, visit and invest in; and*
- *Promote sustainable modes of transport and integration of land use and transportation.*

The Core Strategy directs that key development areas within the city will be developed based on the strategies contained within the Development Plan or relevant Local Area Plans. The Mahon Local Area Plan, 2014 (LAP) has expired therefore it does not have any statutory powers.

The Cork City Development Plan (CCDP) identifies South Mahon as a 'Key Development Area'. Section 2.8 of the CCDP outlines the development strategy for these areas:

The key development areas, which are mainly 'brownfield' land, will be developed for a range of uses based on strategies in the Plan or which have been developed in local area plans. They are becoming available for development because of the decline of low density uses such as traditional industries in Docklands and elsewhere and their replacement by more intensive employment and residential uses. These areas will accommodate the majority of growth and development within the city and they are selected based on their potential to accommodate growth and to be served by sustainable modes of transport.

The CCDP zoning objective for the lands to the north and east of the Bessborough Estate is 'Residential, Local Services & Institutions'. This area is also designated as an 'Area of High Landscape Value'. The specific zoning objective ZO4 for 'Residential, Local Services & Institutions' is

To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.

In relation to development within 'Areas of High Landscape Value' Objective 10.4 of the CCDP indicates that

Development will be considered only where it safeguards to the value and sensitivity of the particular landscape. There will be a presumption against development where it causes significant harm or injury to the intrinsic character of the Area of High Landscape Value and its primary landscape assets, the visual amenity of the landscape; protected views; breaks the existing ridge silhouette; the character and setting of buildings, structures, and landmarks; and the ecological and habitat value of the landscape.

The Southern portion of the site is zoned SE 4 Bessboro House 'ZO 12 -Landscape Preservation Zone'. Objective 10.5 applies to all Landscape Preservation Zones:

To preserve and enhance the character and visual amenity of Landscape Preservation Zones through the control of development. Development will be considered only where it safeguards the value and sensitivity of the particular landscape and achieves the respective site specific objectives, as set out in Table 10.2.

Table 10.2. indicates that the landscape assets specific to SE4 – Bessboro House include:

- J - Historic Landscapes (including monuments / historic routes)
- G - Landmarks / Natural Features / Cultural Landscape – land forming the setting to existing landmark buildings and/or protected structures / buildings of significance
- C - Tree Canopy - Areas with existing woodlands or significant tree groups, or areas with potential for new woodlands.
- B - Water / River Corridors - rivers, estuary, harbour, The Lough, Atlantic Pond, Docklands, Port of Cork
- I - Institutional Open Space

It also sets out specific objectives in relation to the SE 4 – Bessboro House 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.

03. Material Contravention

3.1 Relevant Policies and Objectives

The proposed development may materially contravene policies, objectives and standards of the CCDP in respect of Social Housing under Part V, Density, Plot Ratio, Unit Mix and Household Size, Unit Size and Stair Core to Unit Ratio. In circumstances where the Phase 2 'The Farm' SHD constitutes a material contravention of the Development Plan, the planning policy context and justification for deciding to grant permission in circumstances of such a material contravention are outlined, as required under the relevant criteria under Section 37(2)(b) of the 2000 Act, as amended.

For ease of reference, the relevant policies, objectives and standards of the CCDP, which the proposed development may materially contravene are outlined in the following sections, with details provided regarding the manner in which Section 37(2)(b)(ii), (iii) or (iv) considerations apply.

Section 37(2)(b)(i) of the Planning and Development Act, 2000 (as amended) directs that An Bord Pleanála can only grant permission for a development that materially contravenes the development plan where "*the proposed development is of strategic or national importance*".

Part 2, Section 3 of the Planning and Development Tenancies Act, 2016 (as amended) provides the definition of a Strategic Housing Development as:

the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses'

The proposed development comprises 140 no. residential units on a combination of SE 4 Bessboro House 'ZO 12 -Landscape Preservation Zone' and ZO4 'Residential, Local Services & Institutions' lands therefore it is strategic in nature by definition. The 4.28 ha subject site is located adjacent to the Mahon District Centre and within South Mahon, which is identified as a strategic housing location in Section 5.0 the RSES and a 'Key Development Area' in the CCDP.

It should be noted throughout that Section 28(1) of the Planning and Development Act, 2000 (as amended) directs that:

The minister may, at any time, issue guidelines to planning authorities regarding any of their functions under this Act and planning authorities shall have regard to those guidelines in the performance of their functions

This is of particular significant to the National Planning Framework and Apartment Guidelines 2020 which were adopted subsequent to the CCDP. This material contravention statement will address the inconsistencies of the proposed development against the CCDP under the relative topics.

3.1.1 Social Housing under Part V

Objective 6.3 of the CCDP states:

To require that 14% of units on all land zoned for residential uses (or for a mix of residential and other uses) to be reserved for the purpose of social housing

and specialised housing needs. Each application subject to Part V requirements will be considered on an individual basis to the prior agreement of the Local Authority.

Our client proposes to fulfill their Part V obligations through the transfer of 14 no. apartment units to Cork City Council, 10% of the overall development. Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

In addition to Section 37(2)(b)(i) previously discussed in this report, the provisions of Section 37 (2)(b)(iii) and (iv) of the Planning and Development Act, 2000 (as amended) are also appropriate in this instance.

Section (iii) of the Act states that:

permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or'

New provisions relating to Part V as required by Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended were adopted under the Urban Regeneration and Housing Act, 2015 and were formally enacted on 1st September 2015, superseding the adoption of the Cork City Development Plan 2015 – 2021 which came into effect on the 20th April 2015.

In addition to the above, Section 3 of the Housing Circular 28/2021 on Affordable Housing Act, 2021 – Amendments to Part V of the Planning and Development Act, 2000 (as amended) states that:

The increase in the Part V contribution from 'up to 10%' for social housing purposes to a mandatory 20%, of which at least half must be for social housing purposes and the balance can be applied to affordable and/or cost rental housing purposes, will immediately affect only new grants of planning permission in respect of sites purchased before 1 September 2015 or after 31 July 2021.'

As the subject lands were acquired by Estuary View Enterprises 2020 Limited, between 1 September 2015 and 31 July 2021, in accordance with the current legislation, 10% of the proposed units is the required Part V contribution in accordance with current legislation. Overall, the proposed development will provide 6 no. one bed, 7 no. two bed units and 1 no. three bed units therefore 14 no. Part V units are proposed. Further detail on the Part V proposal is contained within the Part V Methodology Report prepared by HW Planning.

In addition, we refer to Section (iv) which states that:

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

In relation to an adjacent Strategic Housing Development comprising 179 no. units which was refused by An Bord Pleanála (ABP Ref. 308790-20 refers) in 2021, the development proposed a Part V contribution representing 10% of the overall scheme. Cork City Council indicated that they had no objection in relation to the Part V provision.

Given the Development Plan has been superseded by legislation the contravention of Objective 6.3 is justified notwithstanding the contravention of the development plan, having specific regard to Section 37(2)(b)(iii) and (iv) of the Act.

3.1.2 Density

Section 16.41 Residential Density of the CCDP provides minimum standards for density, stating that:

Within the city minimum residential density in Suburban areas should be 35-50 dwellings per hectare.

It also notes that higher densities are appropriate:

- *Along bus routes densities should be to a minimum density of 50 dwellings per hectare (subject to constraints imposed by the character of the surrounding area);*
- *At larger development sites (>0.5 hectares in size, the size of a residential block) capable of generating and accommodating their own character*

The proposed development, consisting of 140 no. units in a 5.13 ha site of which 4.28 ha is developable, has a density 27.3 units per ha (overall) and 32.7 units per ha (developable area). Therefore, it is considered that the proposed density may materially contravene the CCDP.

3.1.2.1 Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

Sections 37(2)(b)(ii) and (iii) of the Planning and Development Act, 2000 (as amended) are of relevance in this contravention of the Development Plan. Density is a measure to assist the assessment of development and should not be considered in isolation. The CCDP states that:

Density is a measure of the relationship between buildings and their surrounding public and private space.

We consider the above and the Council's parenthesis in Section 16.41 relevant to the subject application:

(subject to constraints imposed by the character of the surrounding area)

While residential development can be supported in principle in the ZO 12 Landscape Preservation Zoning (SE 4) that pertains to much of the subject site, its historic landscape and cultural sensitivities curtail the appropriate density that can and should be achieved, while achieving the site-specific objectives as set out in the CCDP. Therefore, in relation to this specific SE4 zoning we consider the provision of Sections 37(2)(b)(ii) applies, as it is not appropriate to meet the identified minimum density of 35-50 units per hectare on this zoned land, while delivering the site-specific objective of reinstating the historic landscape.

Alongside this the 2009 SRDUA Guidelines specifically refer to density consideration in former institutional lands, such as the Bessborough Estate, where it concludes that increasing densities in selected parts of such sites may be necessary to safeguard the 'open character' of the overall lands:

In institutional lands and 'windfall' sites which are often characterised by a large private or institutional building set in substantial open lands and which in some cases may be accessible as an amenity to the wider community, any proposals for higher density residential development must take into account the objective

of retaining the “open character” of these lands, while at the same time ensuring that an efficient use is made of the land...Increasing densities in selected parts of the site subject to the safeguards expressed elsewhere may be necessary to achieve this.

The subject application, forms part of an overall masterplan for the development of the area. An Historic Landscape Assessment Report, prepared by Forestbird Design, identified the appropriate development capacity of different areas within the former Bessborough Estate. Due to landscape sensitivities, the proposed density of Phase 2 ‘The Farm’ is 32.7 units/ha across the 4.28 ha developable area. However, to ensure the efficient use of zoned lands, the proposed density for Phase 1 ‘The Meadows’ is 183 units/ha across the 1.53 ha developable area.

This is in line with the SRDUA guidance for development of former institutional lands where it recognises that increasing densities across selected parts of the former institutional lands may be necessary to preserve the ‘open character’ of the overall lands. The overall density for the proposed Phase 1 and Phase 2 development is 64.5 units/ha across a combined 6.82 ha developable area. Adopting the approach advocated in the SRDUA, the resulting density is in compliance with higher densities set out in Section 16.41 of the CCDP for a larger development site (> 0.5 ha) along a bus route. Therefore, Section 37(2)(b)(iii) is applicable to the consideration of density.

Given the above the contravention of the minimum density targets set out in Section 16.41 is justified notwithstanding the contravention of the development plan, having specific regard to Section 37(2)(b)(ii) and (iii) of the Act.

3.1.3 Plot Ratio

Table 16.1 of the Development Plan provides an indicative plot ratio standard of 1.0 – 1.75 for suburban key development areas. Based on the developable site area (4.28 ha) the plot ratio of the proposed scheme is 0.35.

3.1.3.1 Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

Sections 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended) is of relevance in this contravention of the Development Plan. Plot ratio is a measure to assist the assessment of development and should not be considered in isolation. The CCDP while noting that ‘plot ratio provides a useful indicator’ recognises the limitations of plot ratio calculations stating that:

16.16 Plot ratio is secondary to other built form and planning considerations and should not be used to justify a particular built form as qualitative standards (such as scale, building height, enclosure ratio, space provision and quality, street widths, etc.) will be overriding considerations. A key assessment of proposals is their context and fitting in with the existing pattern of development. In some cases higher plot ratios may be permitted e.g.:

- *Adjoining major public transport termini and nodes along rapid transit corridors where an appropriate mix of commercial and residential is proposed;*
- *To maintain townscape and building elevation profiles*

Again, we refer to the 2009 SRDUA Guidelines' consideration of appropriate densities in former institutional lands, specifically where it concludes that increasing densities in selected parts of such sites may be necessary to safeguard the 'open character' of the overall lands (ref Section 3.1.2 of this document). Plot ratio and density are inter-related and the density considerations detailed in Section 3.1.2 apply equally to plot ratio.

The subject application, forms part of an overall masterplan for the development of the area. Due to landscape sensitivities, the Historic Landscape Assessment Report prepared by Forestbird Design considered this site to have a reduced development capacity resulting in the proposed plot ratio of Phase 2 'The Farm' of 0.35 across the 4.28 ha developable area. However, to ensure the efficient use of zoned lands, the proposed plot ratio for Phase 2 'The Meadows' is 2.27 across the 1.53 ha developable area.

The overall plot ratio for the proposed Phase 1 and Phase 2 development is 0.7 across 6.82 ha (excluding duplicated areas), broadly in line with the indicative plot ratio standard of 1.0 – 1.75 as set out in Table 16.1 of the CCDP, when the sensitivity of the subject site is taken into consideration. Therefore, Section 37(2)(b)(iii) is applicable to the consideration of plot ratio.

3.1.4 Unit Mix and Household Size

The CCDP Objective 6.8 – Housing Mix sets out the Council's aim:

To encourage the establishment of sustainable residential communities by ensuring a mix of housing and apartment types, sizes and tenures is provided. Planning applications for multiple housing units shall submit a Statement of Housing Mix detailing the proposed mix and why it is considered appropriate. The needs of special groups such as the elderly and disabled shall also be considered as part of this process.

Table 3.1. Extract from Table 16.4 of the CCDP – Indicative Dwelling Size Targets

<i>Existing Household mix</i>		<i>Dwelling size distribution targets</i>	
Household size	House size	Zones*	
		Zone 1 and Zone 2 and all Apartment / Duplex schemes	Zone 3 (Suburbs) (mixed house / apartment schemes)
1 Person	1 Bed	Max 15%	Max 20%
2 Person	2 Bed	Max 50%	Min 30%
3 Person	3 / 3+ Bed	Min 35%	Min 50%
4 Person			
5 Person			
Total		100%	100%

The subject site is located in Zone 3 as per Map 16.1 of the CCDP. The CCDP provides an indicative breakdown of dwelling sizes. A comparison with the housing mix of the proposed scheme is provided below. Proposed Unit Site

Table 3.2. Proposed Unit Mix Against CCDP Indicative Targets

Unit Size	Percentage	Quantum	Development Plan Target
Studio & 1 no. bed	50%	70	Max 20 %
2 no. bed	49 %	69	Min 30 %
3 no. bed	1 %	1	Min 50 %
	100 %	140	

The proposed development therefore contravenes the CCDP in respect of the mix of units. A justification for the deviation from the CCDP standards is provided below.

3.1.4.1 Justification for Material Contravention in accordance with Section 37(2)(b) of the Planning and Development Act, 2000 (as amended)

The quantum of one and three person units is not consistent with the indicative targets for unit sizes in the CCDP. The proposed development has been designed in accordance with the Apartment Guidelines, 2020 which supersede the adoption of the CCDP. Section 37 (2)(b) (iii) of the Planning and Development Act, 2000 (as amended) are therefore of relevance.

We refer to Specific Planning Policy Requirement 1 of the Apartment Guidelines, 2020 that states:

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartments and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

The *Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), 2009* guidelines also acknowledge changing household formations and declining family sizes.

The CCDP does not provide an evidence based HNDA for the South Mahon area to dictate the mix of units needed to accommodate future population growth in this area. According to the 2016 CSO, the predominate tenure in the Mahon Neighbourhood (based on Airo Neighbourhood Profile Document, prepared in support of the Draft City Plan 2021) is House/Bungalow which represents 82% of the housing stock.

Section 5.0 of the RSES identifies Mahon as one of the strategic housing and regeneration locations within the Cork Metropolitan area, with a potential residential yield of 1,021 units. The proposed development aims to provide a choice of suitably sized tenure in this area that responds to changing demographics including family formations and household sizes in line with one of the NPF's core

principles to 'tailor the scale and nature of future housing provision to the size and type of settlement where it is planned to be located'.

The provision of a greater number of smaller units will complement the existing stock of traditional low density family dwelling houses in the Mahon Neighbourhood by providing an efficient mix of units that meet the needs of modern households. This is supported in the City Council's Submission on the Section 5 Consultation, dated 11/10/21, which states that:

This mix of unit types is considered acceptable and accords generally with the requirement for a mix of units as set out in SPPR 8.

With regard to household sizes we note that the Inspector in assessing the Former Ford Site in the Cork South Docks (ABP Ref: APB-309059-20) was of the view that:

I find Table 16.4 of the development plan to be unclear with regard to the targets identified for bedspaces (dwelling type) vis bedroom number (house size), i.e., a 2-bed house would not generally be regarded as a 2-person dwelling type.

They go on to note that:

The proposed development complies with SPPR1 of the Apartment Design Guidelines in terms of housing mix and can therefore be considered to provide a reasonable and sustainable mix of housing which reflects current trends in household formation patterns.

The subject application similarly complies with SPR1 of the Guidelines and can also be considered to appropriately accommodate current trends in household sizes.

We consider therefore that under the provision of Section 37(2)(b)(iii) of the Act, the approach to unit mix and household sizes adopted in Phase 2 'The Farm' SHD is acceptable.

3.1.5 Unit Size

Table 16.5 of the Development Plan specifies minimum apartment size standards as per the extract below.

Table 3.2. Extract from Table 16.5 of CCDP – Minimum Unit Size Standards

Table 16.5 Minimum Overall Apartment Gross Floor Areas

Dwelling type	Size
One bedroom	55 sq. m.
Two bedroom / 3 persons	80 sq. m.
Two bedroom / 4 persons	90 sq. m.
Three bedroom	100 sq. m.
Four bedroom	115 sq. m.

The proposed development has been designed in accordance with the Apartment Guidelines, 2020 which set out standards below the CCDP minimum standards.

Table 3.3. Apartment Guidelines 2020 – Minimum Gross Floor Area Standard

Unit Size	Standard
Studio	37 sq m
One bedroom	45 sq m
Two bedroom (three person)	63 sq m
Two bedroom (four person)	73 sq m
Three bedroom	90 sq m

The proposed development therefore contravenes the Development Plan in respect of the unit sizes.

3.1.5.1 Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

The Housing Quality Assessment prepared by ShipseyBarry Architecture (refer to Key Data Section of enclosed Design Statement) demonstrates that all 140 no. proposed units have been designed in accordance with the Apartment Guidelines and meet or exceed the minimum standards. The CCDP is superseded by the adoption of the Apartment Guidelines, which are therefore the relevant standards to follow for best practice. Section 37 (2)(b) (iii) of the Planning and Development Act, 2000 (as amended) is of relevance in this context.

A Daylight and Sunlight Analysis was carried out by DKPartnership to demonstrate that the proposed development will benefit from good quality daylight. The report concludes that:

Given the results and conclusions above we, DKP, deem the proposed project to be in compliance with the recommendations in the BRE design guidelines 'site layout and planning for daylight and sunlight - a guide to good practice'.

In addition, 40.72% of the proposed units are dual aspect to achieve a high-quality living environment, which significantly exceeds the 33% target for accessible urban areas (as established in Section 2.13). Furthermore 56% of proposed units exceed the minimum floor area standard by 10% or greater.

The proposed development provides for a 25 place creche, in addition to tenant amenity facilities (958.5 sq m), semi-private amenity space (2,563 sq m) and public open space (27,136 sq m) within the application site for future residents to utilise. The tenant amenity facilities will supplement the private apartments and include lounges/ home-working space and a gym that will contribute to creating a high quality living environment. The Architectural Design Statement prepared by ShipseyBarry Architecture provides details on the indicative images on how the communal areas can be utilised by end-users.

The proposal will provide a high-quality residential development within walking distance of Mahon District Centre, a number of employment hubs and expansive green infrastructure (The Passage West Greenway). The Apartment Guidelines are widely accepted as the relevant design standards, for instance the apartment sizes in the permitted nearby Jacob's Island site (ABP Ref: APB-301991-18) are in accordance with the Apartment Guidelines.

3.1.6 Dual Aspect

Section 16.51 of the Development Plan states that:

“Dual aspect is a key quality of life issue and energy efficiency issue. Dual aspect provides for a more attractive, usable and adaptable living space, better views and also cross-ventilation and better sunlight/ daylight. The target is for 90% of apartments to be dual aspect. No single aspect apartments should be north facing.”

The proposed scheme provides 57 no. dual aspect apartments which represents 40.7% of the overall scheme. There are 29 apartments categorised as north facing however, many of these in Buildings in D and E can reasonably be understood to have northeastern aspect, capturing morning sun.

3.1.6.1 Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

The subject site is located within an area defined as an accessible urban location. In reference to such locations Specific Planning Policy Requirement 4 of the Apartment Guidelines state that:

“A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in.”

The Development Plan is superseded by the adoption of the Apartment Guidelines and are therefore the relevant standards to follow for best practice. This is widely accepted, for example the dual aspect ratios in the permitted Former Ford Site (ABP Ref: APB-309059-20) are in accordance with the Apartment Guidelines, 2020. Section 37 (2)(b) (iii) and (iv) of the Planning and Development Act, 2000 (as amended) are therefore applicable in respect of the justification for the material contravention of dual aspect at the subject site.

The design has evolved over time in discussions with the City Architect resulting in Block A being omitted, and Blocks B and C relocated, amalgamated and reconfigured to form an edge to the parkland in association with the farm buildings. A key aspect of the final layout is the presentation of a strong frontage onto the parkland area with associated passive surveillance. These reconfigurations, in conjunction with the design concept of reflecting historical geometries and zoning constraints have been key influences in respect of achievable dual aspect. 40.7% of units in the proposal are dual aspect which is in excess of the 33% standard identified above.

The Apartment Guidelines state that “North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature”. In the case of the subject proposal, all north facing units have been designed to overlook amenity and quality landscaped areas in accordance with the guidelines.

3.1.7 Floor to Ceiling Heights

Section 16.54 of the Development Plan states that:

“Providing decent floor-to-ceiling heights has significant benefits for dwellings, including more attractive living spaces, better daylight / sunlight / ventilation, and improved storage space opportunities. Apartments will have a minimum

floor to ceiling height of 2.7m (3m floor to floor) apart from in exceptional circumstances relating to architectural conservation and historic character of townscapes and the significant character of streets and their existing building elevations.

The proposed scheme provides ground level floor to ceiling heights of 2.7m with typical floor to ceiling heights of 2.5m and greater at upper floor levels.

3.1.7.1 Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

Again, we reiterate that the provisions in respect of this item have been superseded by the adoption of the Apartment Guidelines which are therefore the relevant standards to follow. Section 37 (2)(b) (iii) of the Planning and Development Act, 2000 (as amended) is therefore applicable. Specific Planning Policy Requirement 5 of the Apartment Guidelines states the following:

“Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality”.

As corroborated on the submitted architectural plans, where ground floor apartments are proposed, the floor to ceiling heights comply with or exceed the minimum 2.7m dimension. The floor to ceiling heights at upper floor levels are 2.5m and 2.7m as per accepted standards and in general compliance with the above referenced Ministerial Guidelines. The quality of these spaces has been tested by way of daylight reception analysis with all applicable standards exceeded.

3.1.8 Stair Cores

In relation to stair and lift cores, the CCDP stipulates that:

it is recommended that a maximum of 4 apartments per floor should be accessed from a lift/stair core in order to ensure a high quality of internal circulation space.

The layout of the proposed scheme exceeds the maximum of 4 no. units per floor per core therefore the proposed development contravenes the CCDP in this respect.

3.1.8.1 Justification for Material Contravention in accordance with Section 37 (2)(b) of the Planning and Development Act, 2000 (as amended)

The proposed scheme has been designed to adhere to the Apartment Guidelines, 2020 which supersede the currently adopted Development Plan. Specific Planning Policy Requirement 6 of the Apartment Guidelines, 2020 states that:

A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishments schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.

The number of apartments per stair core in the proposed development ranges from 6 in Block C to 9 in Blocks D. It does not exceed a maximum of 12 no. apartments per floor per core therefore complying with the Section 28 guidelines that were adopted after the CCDP. The contravention of the CCDP with reference to the quantum of units per stair core is considered to be justified having regard to Section 37 (2)(b) (iii) of the Planning and Development Act, 2000 (as amended).

04. Conclusion

Section 8(1)(iv)(II) of the Residential Tenancies Act 2016 (as amended) specifies that, where a proposed development is considered to materially contravene the relevant Development Plan or Local Area Plan (other than in relation to the zoning of the land), then the SHD application must include a statement indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

On the basis of the reasons and considerations set out in the report above, we consider that sufficient justification exists for An Bord Pleanála to decide to grant permission for the proposed Phase 2 'The Farm' SHD, in accordance with section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act, 2000 (as amended), notwithstanding the fact that the proposed SHD may materially contravene the Cork City Development Plan 2015 -2021 in relation to Social Housing under Part V, Density, Plot Ratio, Unit Mix and Household Size, Unit Size, Dual Aspect, Floor to Ceiling Heights and Stair Core to Unit Ratio.

We consider that An Bord Pleanála should grant permission for the proposed development of the Phase 2 'The Farm' SHD site having regard to the provisions of section 37(2)(b) of the Planning and Development Act, 2000 (as amended).