



Material Contravention Statement

Proposed Strategic Housing Development (SHD), Jacob's Island, Ballinure, Mahon Cork

Client: Hibernia Star Limited

June 2022

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01. Introduction

1.1 PURPOSE OF STATEMENT

HW Planning have been appointed by Hibernia Star Limited to prepare this statement to address aspects of the proposed Strategic Housing Development at Jacob's Island, Ballinure, Mahon Cork. The statement is in response to Item 12 of An Bord Pleanála's Pre-Application Consultation Opinion, Case Reference ABP-311818-21 and which reads as follows

Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene

As the Draft Cork City Development Plan 2022 -2028, which will come into effect on August 8th, 2022, will be the development plan in place, at the date of the decision of the Board in respect of the application this statement is based on this Draft Plan.

The proposed development materially contravenes policies, objectives and standards contained in the Draft Cork City Development Plan 2022 – 2028 (Draft CDP 2022) in respect of height, density, housing mix and car parking provision.

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 Jacob's Island 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 Jacob's Island SHD, thereby enabling the Board to decide to grant permission, notwithstanding the material contravention of the subject policies, objectives and standards of the Draft CDP 2022-2028.

This statement addresses the material contraventions of certain policies, objectives and standards contained in Draft CDP 2022 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 construction of 489 no. apartments, creche and offices in 5 no. apartment blocks ranging in height from part-1 to part-8 no. storeys over lower ground and semi-basement podium levels. The proposed development is located adjacent to a Strategic Housing Development permitted by ABP-301991-18 and amended by ABP-310378-21 containing 6 no. blocks (Blocks 3, 4, 7, 8, 9 & 10) with existing Blocks 1, 2, 5 & 6 constructed on foot of T.P. 24609/00.

The development will contain 1 no. studio, 161 no. 1 bedroom apartments and 327 no. 2 bedroom apartments. Block 1 is 4 no. storeys and contains 34 no. units (7 no. one bed units, 19 no. two bed units and 8 no. three bed units).

- Block 11 is part-3 to part-6 no. storeys over semi-basement podium and lower ground levels and will contain 101 no. apartments.
- Block 12 is part-1 to part-4 no. storeys over undercroft car parking and lower ground level office building (4,112 sq m) comprising 2,934 sq m of office floor area.
- Block 13 is part-2 to part-8 no. storeys over lower ground levels and will contain a crèche over 2 no. levels (381 sq m) and 39 no. apartments.
- Block 14 is part-3 to part-6 no. storeys over lower ground level and contains 130 no. apartments.
- Block 15 is part-3 to part-6 no. storeys over semi-basement, podium and lower ground level and contains 219 no. apartments and ancillary resident amenity spaces (576 sq m).

Blocks 12 and 13 will contain ancillary commercial areas including a creche (381 sq m) and offices (4,112 sq m). The development will also contain supporting internal resident amenity spaces (576 sq m) and external communal amenity spaces.

The proposed development also provides for hard and soft landscaping, boundary treatments, public realm works, car parking, bicycle parking, bin stores, signage, lighting, PV panels, sprinkler and water tank, substations, plant rooms and all ancillary site development works above and below ground.

1.3 LAND USE ZONING OBJECTIVE

The Draft CDP 2022 will come into effect on August 8th 2022 and is therefore the relevant local planning policy document pertaining to the subject lands at the time of determining the application. A Statement of Consistency has been prepared by HW Planning to demonstrate compliance with local planning policy.

The Core Strategy of the Draft CDP 2022, identifies Mahon as an area for growth consolidation and enhancement, with the subject lands zoned ZO5 – Mixed Use Development as outlined in Figure 1.1 below. ZO 5.2 of the Draft CDP 2022 includes residential development, general offices and childcare services as permissible uses in these areas.



Figure 1.1 Extract from the Draft Cork City Development Plan 2022 -2028 with the Subject Site Outlined in Red.

Extracts from the Draft CDP 2022 are provided below which demonstrate that the proposed residential, office and childcare facility are appropriate uses on the land use zoning objectives identified above.

ZO 5 Mixed Use Development

Zoning Objective 5: To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area.

ZO 5.1
This zoning objective facilitates the development of a dynamic mix of uses which will interact with each other creating a vibrant urban area with residential, employment and other uses. A vertical and horizontal mix of uses should occur where feasible, including active ground floor uses and a vibrant street frontage on principle streets.

ZO 5.2
The range of permissible uses within this zone includes residential, general offices, local services, conference centre, education, hospital, hotel, commercial leisure, cultural uses, civic institutions, childcare services, local medical facilities, business and technology / research uses and community and civic uses. The range and scale of uses proposed must be commensurate to the scale of the zone.

Objective 10.85 Mahon

- To support the development of Mahon as an area for growth consolidation and enhancement by providing a mix of new neighbourhood uses.
- To support the sustainable development of the District Centre as a mixed-use centre in line with retail and other relevant objectives.
- To support the regeneration of the Avenue de Rennes Neighbourhood and Local Centre as a mixed-used development.
- 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.

Objective 10.86 Jacobs Island

To provide for mixed use development on Jacob's Island to accommodate the mix of uses set out under the ZO 5 Mixed Use Development Zoning Objective to include an hotel and up to 15,000 square metres of business and technology office use.

Proposed Material Alteration 1.307 to the Draft CDP 2022 proposes to amend Objective 10.86 as follows

'To provide for mixed use development on Jacob's Island to accommodate the mix of uses set out under the ZO 5 Mixed Use Development Zoning Objective to include an hotel and up to ~~15,000~~ 20,000 square metres of business and technology office use.

1.4 MATERIAL CONTRAVENTIONS OF THE DRAFT CDP 2022

Density

In the density and building height spatial strategy in the Draft CDP 2022 the subject lands are situated within the 'Inner Fringe, Corridor, Centre', and specifically within the 'Mahon' sub-category.

Objective 3.5 refers to Table 11.2 which sets out the density target for this this area as between 50 (lower)-120 (upper) units her hectare. The proposed development will provide a density of 137.7 no. units per ha. comprising 489 no. apartments on a developable area of 3.55 ha.

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).

Building Height

As noted above the subject site falls within the 'Inner Fringe, Corridor, Centre - Mahon' subcategory in the density and building height spatial strategy in the Draft CDP 2022.

Objective 3.5 refers to Table 11.1 which sets out the building height target for this this area as between 4 (lower) - 6 (upper) storeys. The proposed development will provide for heights ranging from part-1 to part-8 no. storeys over lower ground and semi-basement podium levels.

Housing Mix

The Draft CDP 2022 includes Objective 11.2 Dwelling Size Mix, which sets out that:

'all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances. Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.'

Table 11.8 'City Suburbs Dwelling Size Mix for Housing Developments' sets out that the mix at this category of location should contain a maximum of 15% studios, 25% 1-bedroom units, 40% 2-bedroom units and a minimum of 18% 3 bedroom and 5% 4-bedroom units. The subject application exceeds the maximum 1 and 2-bedroom units and does not include 3 and 4 bedroom units.

Car Parking Provision

Paragraph 11.232 and Table 11.13 of the Draft CDP 2022 includes maximum car parking standards for both residential and non-residential developments. The subject site is located within 'Car Parking Zone 2' where Table 11.13 sets out a maximum car parking standard as.

- 1/2 bedroom units – 1 space.
- 3+ bedroom units – 2 spaces.
- Creche – 1 per 6 students.
- Offices Enterprise and Employment - 1 space per 150m² of gross floor area¹

The proposed development makes provision for 246 no. residential parking spaces, 75 no creche and office car parking spaces and 6 car club spaces, resulting in a total of 327 no. car parking spaces. Overall, this is significantly less than the maximum standard for the mixed-use scheme as set out in the Draft CDP 2022 which equates to 508 no. spaces. However, the proposed 69 no. spaces allocated for office use are in excess of the standard which equates to a maximum of 14 no. spaces.

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.

Further to the above, these material contraventions are discussed in detail in Section 3 of this statement, in the context of the relevant policies and objectives of the Draft CDP 2022. Section 3 includes a demonstration of the manner in which Section 37(2)(b)(ii) – (iv) considerations apply.

¹ As indicated in Proposed Material Alteration 1.332 to Draft Plan

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 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.

The Guidelines identifies the following key considerations for the development of 'Cities and larger towns':

- The trend towards smaller average household sizes;
- The need to encourage the provision of affordable housing; and
- The need to reduce CO2 emissions by reducing energy consumption and to support a more efficient use of energy in the residential and transport sectors, in line with Ireland's commitments under the Kyoto Protocol.

The Guidelines provide a broad spectrum of criteria that should be considered in the design and assessments of projects including:

- Acceptable building heights (see below);
- Avoidance of overlooking and over shadowing;
- Provision of adequate private and public open space, including landscaping where appropriate and safe play spaces;
- Adequate internal space standards in apartments;
- Suitable parking provision close to dwellings; and
- Provision of ancillary facilities, including childcare.

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 Intermediate Urban Locations as:

"Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;

Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided; and

Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. The Guidelines also state that:

The range of locations outlines above is not exhaustive and will require local assessment that further considers these and other factors."

The subject site can be defined as an Accessible Urban Location, that is suitable for large scale, higher density development as it is

- within walking distance (i.e. up to 15 minutes or 1,000-1,500m) of a significant employment location, being Mahon District Centre and adjacent employment hubs;
- within easy walking distance of high frequency urban bus services, being the 202/202A and 215/215A

As demonstrated by the planning history (outlined in the accompanying Planning Statement) and compliance with the definitions contained in the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities: 2020, the subject lands are excellently located in a sustainable and well-connected location that is eminently suitable for compact and high density urban development.

The 2 no. existing greenways to the west and south of Jacob's Island will promote sustainable modes of travel including walking and cycling for future residents. The site is also set to benefit from the proposed high capacity Light Rail Transit (LRT) as identified in the Cork Metropolitan Area Transport Strategy (CMATS) that will extend from Mahon to Ballincollig through the city centre.

The Guidelines indicate that such areas are suitable for higher density apartment developments.

In terms of Housing Mix the 2020 Apartment Guidelines specify the following Specific Planning Policy Requirement

Specific Planning Policy Requirement 1

Apartment 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 apartment 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).

2.1.4 Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

The Building Height Guidelines have arisen from a recognition that the ambitious targets contained within the NPF, particularly in relation to accommodating 50% of future growth within the existing footprint of our cities, will not be met unless developments of greater height and scale are supported. The guidelines therefore actively seek increased levels of residential development in our urban centres through increased height and density.

Section 2.2 of the Guidelines outline that:

“At the same time, to meet the needs of a growing population without growing our urban areas outwards requires more focus in planning policy and implementation terms on reusing previously developed ‘brownfield’ land, building up urban infill sites (which may not have been built on before) and

either reusing or redeveloping existing sites and buildings that may not be in the optimal usage or format taking into account contemporary and future requirements.”

Furthermore, SPPR 1 supports the redevelopment of underutilised sites and specifies:

*“In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and **shall not provide for blanket numerical limitations on building heights.**”*

The Building Height Guidelines are comprehensively addressed in the accompanying Statement of Consistency prepared by HW Planning.

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 RSES is positioned as an implementing strategy for the NPF that aims to reflect the specific needs of the regions. A key principle in developing the strategy for the RSES is provide more sustainable choices and options for people, businesses and communities that can positively influence more sustainable patterns of living and working which benefit a greater cohort of the population and make the economy more resilient.

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.”

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

“To promote the Cork Metropolitan Area as a cohesive metropolitan employment and property market where population and employment growth is integrated with:(ii) the continued regeneration, consolidation and infrastructure led growth of the city centre, Cork City Docklands, Tivoli and suburban areas (iii) active land management initiatives to enable future infrastructure led expansion of the city and suburbs (to be assessed by Core Strategy initiatives) and (iv) the regeneration, consolidation and infrastructure led growth of metropolitan towns and other strategic employment locations in a sustainable manner.”

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 5.0 identifies Mahon 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.

The RSES Guidelines are comprehensively addressed in the accompanying Statement of Consistency prepared by HW Planning.

2.3 LOCAL PLANNING POLICY

2.3.1 Draft Cork City Development Plan 2022 -2028

The Draft CDP 2022 outlines objectives and parameters for housing and employment development in the city for 2022 – 2028. The Plan is underpinned by a number of key principles which include sustainable development, health, compact growth, the creation of liveable communities and places, and the complimenting of nature and climate resilience.

Chapter 2 of the Plan notes that:

The delivery of Light Rail Transit (LRT) and its interaction with the Lee to Sea greenway, suburban rail network, orbital bus routes and strategic bus corridors will deliver transport orientated development in key areas such as Blackpool, Ballyvolane, Mahon and South Ballincollig and an integrated multimodal city transport system.

It notes the existing and emerging network of neighbourhoods in the city and identifies Mahon as a 'City Regeneration and Expansion Area' within the South-east City Suburb in terms of 2040 growth targets. As a city suburb its role as defined in the Core Strategy to:

Consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations. Prioritise walking, cycling and public transport access. Deliver uses, layouts and densities that enhance existing local character. Deliver high quality sustainable transport orientated development in combination with high frequency bus routes, the new commuter station at Blackpool (Kilbarry) and prioritised cycling and walking routes set out in CMATS.

Objective 6.8 Housing Mix of the Draft Cork City Development Plan aims :

“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.”

Draft Cork Joint Housing Strategy & Housing Need Demand Assessment July 2021

In accordance with Specific Planning Policy Requirement 1 of the 2020 Apartment Guidelines a Draft Cork Joint Housing Strategy & Housing Need Demand Assessment was prepared by the Planning Authority to accompany the Draft Cork City Development Plan.

“The HNDA has provided the basis for the dwelling size mix across Cork City and the identification of targets for the whole development plan period. Cork City Council has applied the household size distribution from the HNDA population modelling for the City to dwelling sizes to provide guidelines to be applied in the planning system to ensure that the forecast households will be able to find suitable accommodation in Cork City.

The HNDA forecasts a requirement for a mixed dwelling type product to meet the needs of the market, as 73% of new homes will need to be tailored around providing for households of between 1 and 3 people. When combined with location and density targets this will mean that new development will need to combine dwelling types across Cork City and its urban towns and hinterland villages including market evidence and the housing authority that they (or an approved AHB) have declined the option to acquire the units. Applicants will need to fund an independent peer review of market data to ensure validation of the evidence presented. In the event that the Planning Authority accepts this evidence then development proposals must include an alternative dwelling size mix that assists in achieving a balanced community.”

The Draft HDNA which informed the Draft Development Plan caveats that:

“While information has been presented on dwelling type mix (apartments/flats) and households composition (number of persons per households), a dwelling size mix has not been presented due to a lack of suitable data (as the Census does not record sufficient data on dwelling sizes or bedrooms to provide an accurate forecast).”

“Viability remains an issue across most large-scale apartment schemes, particularly those that have greater densities. Recent research by EY in Cork City suggests that viability issues including high construction and development costs are negatively affecting apartment delivery, with delivery rates relatively low when compared to Dublin. New apartments in Cork City tend to sell or rent at higher prices as a result, while the build-to-rent sector is currently under-delivering in Cork. This means that the market is not providing a mix of property types to meet purchaser and renter demand.”

Section 4.4.3 of the Draft HNDA indicates that

“As noted in Section 3, there is strong demand in Cork for apartments, while the proportion of households in apartments is relatively low by European standards and may be expected to rise.”

2.3.1.1 Land Use Zoning Objectives

The subject lands are zoned ZO5 – Mixed Use Development as outlined in Figure 1.1. ZO 5.2 of the Draft CDP 2022 includes the proposed uses of residential development, general offices and childcare services as permissible uses in this area.

Map 06 of Volume 2 of the Draft CDP 2022 indicates that the subject site is within a ‘Primary Urban corridor & Principal Towns’ in terms of density and height, for which Table 11.1 and 11.2 sets out maximum targets for building height and density of 6 storeys and 120 units/ha density. Objective 11.2 sets out targets in relation to dwelling mix. Table 11.13 sets out the maximum car parking standards.

The local planning policies pertaining to the subject site are outlined throughout the Planning Statement and Response to An Bord Pleanála Opinion and the accompanying Statement of Consistency prepared by HW Planning. The material contravention of the Draft CDP 2022 relates only to Objective 3.5 (Height and Density), Objective 11.2 (Housing Mix) and Table 11.13 (car parking).

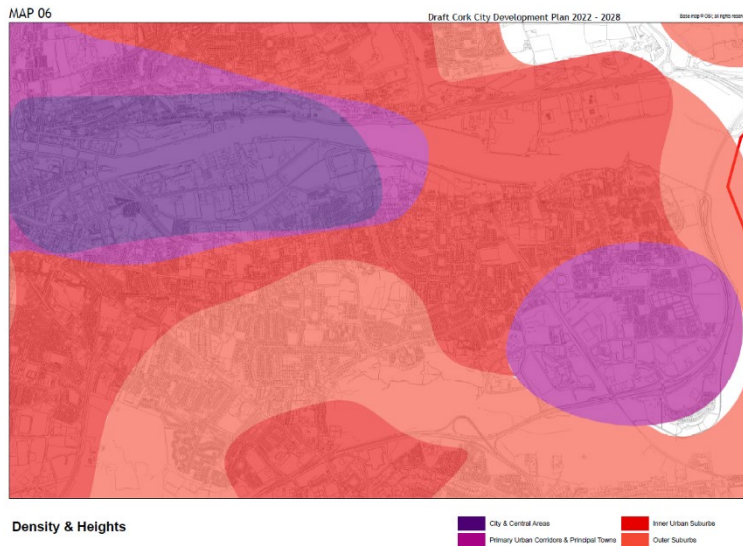


Figure 2.2 Extract of Draft CDP 2022 Map 6

DENSITY AND BUILDING HEIGHTS STRATEGY

	DENSITY					Table 11.1: Cork City Building Height Standards.	Heights			
	FAR		Dwellings per hectare				No. of Storeys			
	Prevailing	Target	Prevailing	Target*			Prevailing		Target	
			Lower	Upper		Lower	Upper	Lower	Upper	
CITY	2.5 - 7	4+	10 - 25	100	N/A	City	2	5	4	8**
City Centre	2.5 - 7	4+	10 - 25	100	N/A	City Centre	2	5	4	6
North docks	0.5 - 1	3+	0 - 40	100	N/A	North Docks	2	3	4	7
South docks	0.5 - 1.5	4+	0 - 10	100	N/A	South Docks	2	4	5	10**
FRINGE/CORRIDOR/CENTRE	1.0 - 3.5	2.5 - 4+	25 - 100+	50	150	Fringe / Corridor / Centre	2	6	4	7
City fringe / corridor	1.5 - 3.5	2.5 - 4.5	25 - 100	50	150	City Fringe / Corridor	3	6	5	7
Mahon	0.5 - 3.5	1 - 4	10 - 40	50	120	Mahon	2	5	4	6
Blackpool	0.5 - 3.0	1 - 4	0 - 40	50	120	Blackpool	2	5	4	6
Wilton	0.5 - 3.5	1 - 4	10 - 25	50	120	Wilton	2	4	3	5

Figure 2.3 Extract of Draft CDP 2022 Table 11.1 & 11.2

03. Material Contravention

The planning policy context and justification for deciding to grant permission in circumstances of such material contraventions is set out below, as required under the relevant criteria set out under Section 37(2)(b) of the 2000 Act, as amended. As indicated in Section 1.1 of this document, ABP may only grant permission where it considers that Section 37(2)(b)(i) is satisfied that *'the proposed development is of strategic or national importance'*. Upon this being established it must also consider that one of the following criteria is met:

(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.

3.1.1 Strategic or National Importance - Section 37(2)(b)(i) of the Act

We consider that Section 37(2)(b)(i) of the Planning and Development Act, 2000 (as amended) is met by the subject application which is of *'strategic or national importance'*.

We refer to Part 2, Section 3 of the Planning and Development Tenancies Act, 2016 (as amended) which 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 489 no. residential units, an office and a creche on appropriately zoned lands as set out at Section 1.3 of this report therefore the proposed application is strategic in nature.

Mahon, due to its location on the Cork Metropolitan, has experienced significant growth over the last two census periods and is identified in the Draft CPD 2022 as a *'City Regeneration and Expansion Area'* within the South-east City Suburb.

Similarly, Section 5.0 of the RSES Cork MASP identifies strategic housing and regeneration locations within the Cork Metropolitan area, where the achievement of much of the NPF growth targets will be focused. Mahon is identified as one such strategic housing location along the potential light rail corridor, with a potential residential yield of 1021 units identified.

Section 32(b)(i) is therefore applicable to the proposed Strategic Housing Development.

3.2 DENSITY

The proposed development materially contravenes Draft CDP 2022 Objective 3-5, (ref. Figure 3.1 for full text of objective) in respect of density, and the related standard set out in Chapter 11 (ref. to in Table 11.1).


 Objective 3.5 Residential Density		DENSITY				
		FAR		Dwellings per hectare		
		Prevailing	Target	Prevailing	Target*	
			Lower	Upper		
CITY	2.5 - 7	4+	10 - 25	100	N/A	
City Centre	2.5 - 7	4+	10 - 25	100	N/A	
North docks	0.5 - 1	3+	0 - 40	100	N/A	
South docks	0.5 - 1.5	4+	0 - 10	100	N/A	
FRINGE/CORRIDOR/CENTRE	1.0 - 3.5	2.5 - 4+	25 - 100+	50	150	
City fringe / corridor	1.5 - 3.5	2.5 - 4.5	25 - 100	50	150	
Mahon	0.5 - 3.5	1 - 4	10 - 40	50	120	
Blackpool	0.5 - 3.0	1 - 4	0 - 40	50	120	
Wilton	0.5 - 3.5	1 - 4	10 - 25	50	120	

Figure 3.1 Extract of Draft CDP 2022 Objective 3-5 and Table 11.1

The maximum density for the Fringe/Corridor/Centre area of Mahon is set out in Table 11.1 as 120 units/hectare, whereas the density of the proposed development is 137.7 units/hectare.

In addition to Section 37(2)(b)(i) previously discussed in Section 3.1.1, 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.

3.2.1 Guidelines under Section 28- Section 37(2)(b)(iii) of the Act

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’

The National Planning Framework and Apartment Guidelines 2020 seek increased densities at appropriate locations particularly in locations that are well connected by public transport. The delivery of housing on this site is a vital component to addressing the unfinished nature of the wider Jacob’s Island development and will contribute to alleviating the prevailing shortage of housing in Mahon and the wider Cork Metropolitan area. As demonstrated in the accompanying Statement of Consistency, we consider that the proposed development site can be defined as a Central and/or Accessible Urban Location, that is suitable for large scale, higher density development as it is

within walking distance (i.e. up to 15 minutes or 1,000-1,500m) of a significant employment location, being Mahon;

within easy walking distance of high frequency urban bus services, being the 202/202A and 215/215A

As demonstrated by the planning history and compliance with the definitions contained in the *Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities: 2020*, the subject lands are excellently located in a sustainable and well-connected location that is eminently suitable for compact and high-density urban development. The provision of higher density development on such brownfield sites is supported at national, regional and local planning policy level and transport infrastructure proposals set out in CMATS are predicated on consolidation of development along public transport corridors.

Given the above, the proposed density is considered in line with Guidelines under Section 28, and therefore in compliance with Section 37(2)(b)(iii) of the Act.

3.2.2 Pattern of Development- Section 37(2)(b)(iv) of the Act

Section (iv) of the Act 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 2018 the ABP Inspector in granting permission for a net density of 137 no. units per ha at the adjacent site on Jacob's Island (ABP Ref: ABP-301991-18) stated that:

Given the location of the development in the context of the facilities, services and employment opportunities of Mahon and Cork City Centre, the combination of high density and extremely low density residential development in the vicinity, I am satisfied that the applicant has satisfactorily increased residential density to an acceptable and sustainable level.

More recently the ABP Inspector, in granting permission for a net density of 275 no. units per ha on the Former Ford Site (ABP Ref: APB-309059-20) stated that:

the provision of higher density development on such brownfield docklands sites is supported at national, regional and local planning policy level and transport infrastructure proposals set out in CMATS are predicated on consolidation of development along public transport corridors.

We consider both these comments apply equally to the subject application. Given the above, the proposed density is considered in line with the recent pattern of development and permissions granted, and therefore in compliance with Section 37(2)(b)(iv) of the Act.

We consider therefore that contravention of Objective 3.5 is justified, having specific regard to Section 37(2)(b)(iii) and (iv) of the Act.

3.3 HEIGHT

The proposed development materially contravenes Draft CDP 2022 Objective 3-5, (ref. Figure 3.1 for full text of objective) in respect of height, and the related standard set out in Chapter 11 (ref. to in Table 11.2).

Objective 3.5 Residential Density	Heights			
	No. of Storeys			
	Prevailing		Target	
	Lower	Upper	Lower	Upper
Table 11.1: Cork City Building Height Standards. City City Centre North Docks South Docks	2	5	4	8**
	2	5	4	6
	2	3	4	7
Fringe / Corridor / Centre City Fringe / Corridor Mahon Blackpool Wilton	2	6	4	7
	3	6	5	7
	2	5	4	6
	2	5	4	6
	2	4	3	5

Figure 3.2 Extract of Draft CDP 2022 Objective 3-5 and Table 11.2

The maximum height for the Fringe/Corridor/Centre area of Mahon is set out in Table 11.2 as 6 storeys, whereas the height of the proposed development ranges from part-1 to part-8 no. storeys over lower ground and semi-basement podium levels.

In addition to Section 37(2)(b)(i) previously discussed in Section 3.1.1, the provisions of Section 37 (2)(b)(iii) and (iv) of the Planning and Development Act, 2000 (as amended) are again also appropriate in this instance.

3.3.2 Guidelines under Section 28- Section 37(2)(b)(iii) of the Act

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'

The National Planning Framework discourages the use numerical limitations in determining appropriate heights. This is reflected in NPO 13 which states that:

'In urban areas, planning and related standards, including 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.'

The Height Guidelines also refer to the traditional building heights in our urban areas which have been limited and generally low rise in terms of height. The need to secure compact and sustainable

urban growth forms will require the reuse of brownfield infill sites that are located in well serviced urban locations and are served by good public transport links. As such SPPR1 stipulates that:

*'In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town/City cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall **not provide for blanket numerical limitations on building height.**'*

The vision of the NPF incorporates the principle of compact growth in our town and cities through the activation of strategic areas by increased height and densities therefore reducing the occurrence of urban sprawl. In this respect the NPF has a specific objective (No. 35) to:

'Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'

The proposed height of the development has been designed having regard to the site-specific characteristics, technical assessments such as daylight and sunlight and wind micro-climate and the guidance contained within national and regional planning policy that seeks increased heights and densities on strategically located sites that are served by existing infrastructure.

There is significant investment in infrastructure planned in the South Mahon areas as set out in the Cork Metropolitan Area Transport Strategy (CMATS) 2040. CMATS has been published in the context of the National Planning Framework which envisages that Cork will become the fastest growing city region in Ireland in the coming years. This projected population and associated economic growth will result in a significant increase in the demand for travel. This demand needs to be managed and planned for carefully to safeguard and enhance Cork's attractiveness to live, work, visit and invest in.

A key deliverable of CMATS is a Light Rail Transit (LRT) from Ballincollig to Mahon via Centre Park Road. The LRT will be preceded by a high frequency bus service in the short term. The LTR will serve the Mahon with a number of indicative stops identified, one of which is in proximity to the subject site. The planned development of the LTR therefore underpins the development of a high-density scheme on the subject lands.

The Building Height Guidelines have arisen from a recognition that the ambitious targets contained within the NPF, particularly in relation to accommodating 50% of future growth within the existing footprint of our cities, will not be met unless developments of greater height and scale are supported by the Planning Authorities. As such we refer to Section 37(2)(b)(iii) of the Act in this instance. SPPR3 of the Guidelines state that:

*It is a specific planning policy requirement that where...an applicant for planning permission sets out how a development proposal complies with the criteria above; and...the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, **even where specific objectives of the relevant development plan or local area plan may indicate otherwise.***

Section 3.0 of the *Building Heights: Guidelines for Planning Authorities, 2018* promotes increased heights in urban areas where certain criteria can be demonstrated. These criteria are addressed in detail in the accompanying Planning Statement prepared by HW Planning and Design Statement prepared by O'Mahony Pike Architects.

Given the above, the proposed height is considered in line with National Policy and Guidelines under Section 28, and therefore in compliance with Section 37(2)(b)(iii) of the Act.

3.3.3 Pattern of Development- Section 37(2)(b)(iv) of the Act

Section (iv) of the Act 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.

The Board will note that this area and the subject site has long being considered as a suitable location for taller buildings with 5 no. buildings ranging in height from 2 to 21 storeys permitted on the subject site in 2009 T.P. 07/32686 and PL28.232275 refers. In assessing the issue of building height, the Inspector in his report noted

I consider that the appeal site has more absorptive capacity for large buildings, due to its location next to the elevated interchange. When viewed from the N25, I consider that the design as proposed will lead to a more visually distinctive pattern of development, and will give the area a more distinctive visual identity than at present. While I would normally consider that such a large and high group of buildings would not be appropriate in what is a generally low rise city, I consider that this site is suitable for a more high density approach. I consider that the overall architectural approach is of high quality and will give Jacobs Island a more distinctive identity.

More recently the permitted SHD to the east, contained buildings ranging in height from part 6 to part 25 no. storey and the Inspector in that case was of the opinion that

In addition, given the proportions of the ancillary nine storey block to the south of the tower, I would advise against any attempts to reduce the overall height. Any reduction in height, would in my opinion, injure the architectural integrity of the composition and result in a sub-standard tower building that would not meet the design criteria set out by the planning authority with respect to this site."

Furthermore, adding that "I agree with the substance of the observations insofar as the development will be highly visible from a number of viewpoints and will change the landscape of the east of Cork City. However, I see this as an advantage and a bold design statement creating a visual gateway to Mahon. There are no protected views in the vicinity that will be impacted by a building of the height proposed and I am satisfied that the massing of apartments and a tower at this location and of the design quality exhibited by the Architect is appropriate and acceptable

The Board will note that the height and scale of the proposed development at Pre-Consultation stage is very similar to that proposed and in his assessment of the proposal in the City Council's submission of November 21st, 2021, the City Architect noted

In principle, the layout concept is clear and works well, creating urban blocks which make an urban edge to the N40 and its link road, plus the main access/distributor road and a centrally located park with frontages between both routes.

In terms of the architecture, he added

The overall height and massing of each urban block are reasonably considered and satisfactory. Similarly, in each block the solid to void proportions are satisfactory and fenestration proportions and divisions are quite elegant. The use of brick as a cladding material is welcomed, together with a precast concrete frame to the elevations of the office and crèche

The proposed development ranges in height from part 1 storey to part 8 storeys. The locational characteristics of the subject site to the south of the N40 were a significant consideration in the detailed design of the proposed development. The increased height along this boundary provides a noise baffle for the more sensitive residential and amenity uses to the south and represent a significant opportunity to define the future sustainable development of Mahon as the eastern gateway to the City Centre through the delivery of high-density developments.

Given the above, the proposed height is considered in line with the recent pattern of development and permissions granted, and therefore in compliance with Section 37(2)(b)(iv) of the Act.

We consider therefore that contravention of Objective 3.5 is justified, having specific regard to Section 37(2)(b)(iii) and (iv) of the Act.

3.4 HOUSING MIX

The proposed development may be considered to materially contravene Draft CDP 2022 Objective 11.2 Dwelling Size Mix which sets out that:

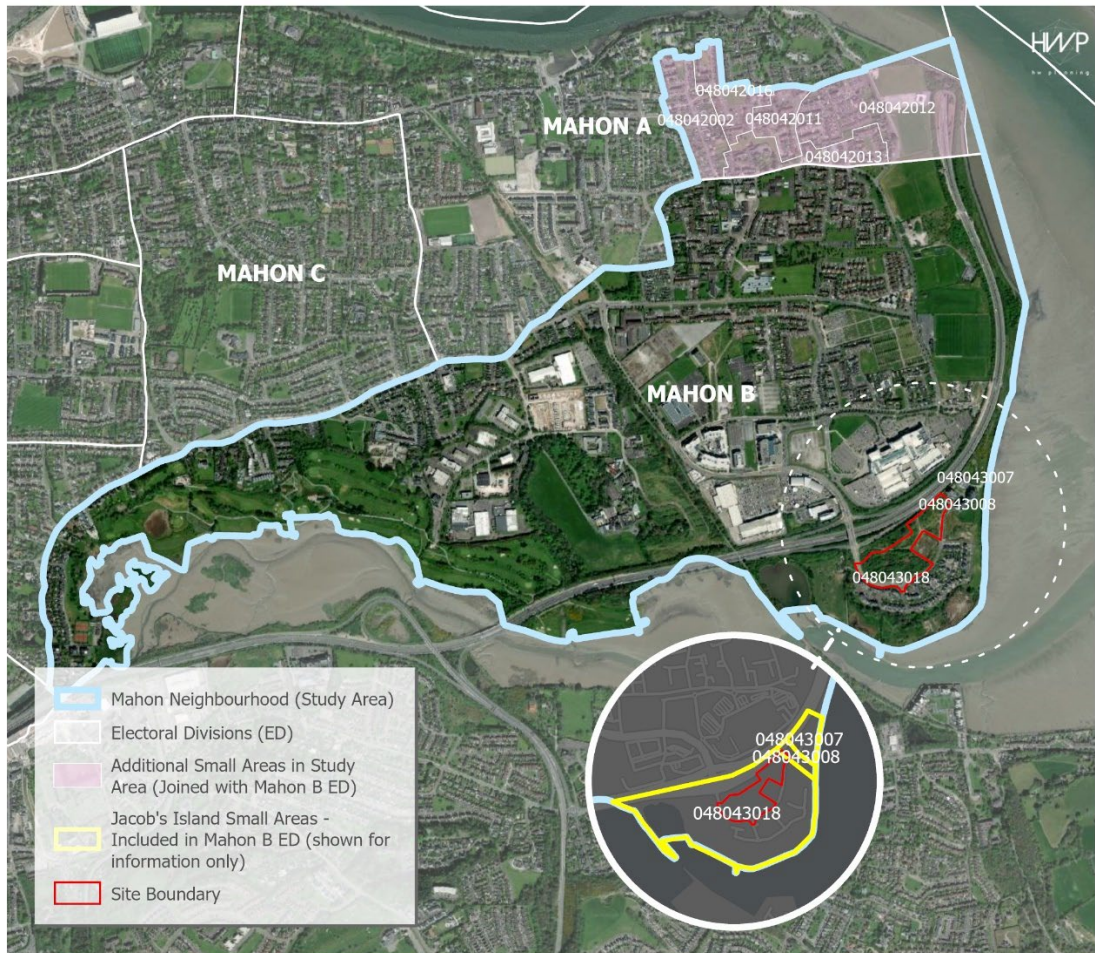
'all planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances. Where a clear justification can be provided on the basis of market evidence that demand / need for a specific dwelling size is lower than the target then flexibility will be provided according to the ranges specified.'

	Min	Max	Target
Studios / PBSA (at LRT Stops / Urban Centre / HEI Campus Only)	0%	15%	10%
1 Bedroom	15%	25%	20%
2 Bedroom	25%	40%	34%
3 Bedroom	18%	38%	28%
4 Bedroom / Larger	5%	15%	8%

Figure 3.3 Based on Draft CDP 2022 - Table 11.8 'City Suburbs Dwelling Size Mix for Housing Developments'

The rationale and justification for the proposed housing mix is outlined in the accompanying Statement on Housing Mix. The Statement on Housing Mix outlines National and Local policy as it pertains to housing mix and provides a detailed review of the site's context and demographic profile.

The study area chosen study corresponds to the Mahon Neighbourhood Area as defined in the Cork City Neighbourhood Profile prepared by AIRO to support the Cork City Draft Development Plan 2022 – 2028 and is the same Study Area used for the EIAR. Of the 2,243 homes recorded in the Study Area during the 2016 Census, 1,833 (82%) were classified as houses/bungalows, with only 381 being flats/apartments (17%).



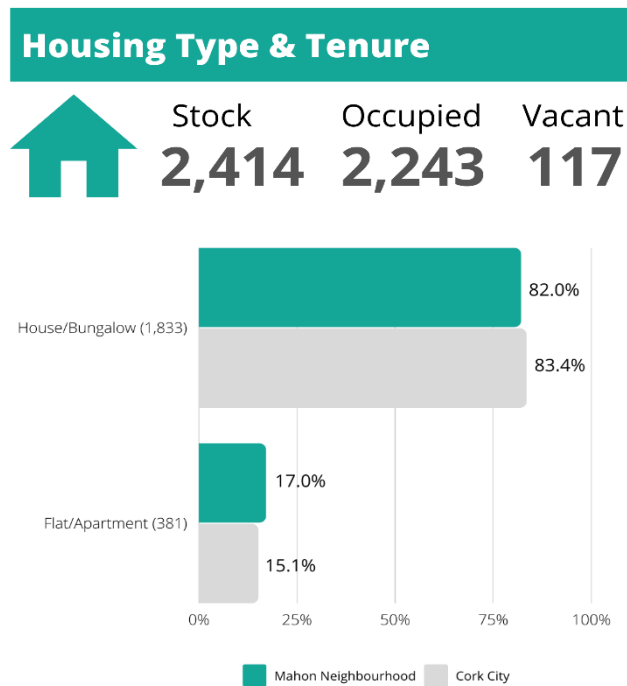


Figure 3.5 Housing Type & Tenure within the Study Area

Although the Census does not collect data on the number of bedrooms per dwelling, it does record the number of people living per household. The graphic above highlights the large percentage of households that consist of 3 or more people in the Mahon neighbourhood.

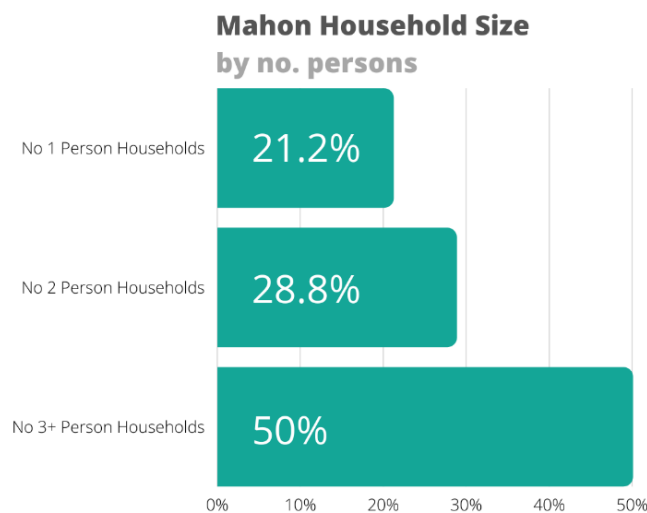


Figure 3.6 Household Size in Study Area

As of June 2022, there are 343 residential units constructed on Jacob's Island. A breakdown of the existing housing mix is shown below:

Unit Type	1 bedroom	2 bedroom	3 bedroom or more	Total
Apartment	28	202	32	262

House	14	4	67	85
Total	42	206	99	347
% of Total	12%	59%	29%	100%

A breakdown of the proposed housing mix is detailed below alongside the Draft Cork City Development Plan 2022-2028 (CDP) housing mix targets. The proposed housing mix is in excess of CDP targets for 1- and 2-bedroom units, and that no 3-bedroom or larger type units are to be provided.

Unit Size	No. Units Proposed	Proposed Unit Mix (%)	CDP 2022-2028 Housing Mix Targets		Consistency
			Min %	Max %	
Studio	1	0.2%	0%	15%	Compliant
1 bed	161	32.9%	15%	25%	Exceeds Max
2 bed	327	66.9%	25%	40%	Exceeds Max
3 bed	0	0	18%	38%	-
4 bed / larger	0	0	5%	15%	-
Total	489	100%	-	-	-

We consider that the proposed housing mix is appropriate when the wider neighbourhood context is considered. The Mahon neighbourhood consists primarily of houses or bungalows, at 82% of the 2016 housing stock. Given that the average household size in Mahon is nearing 3 persons per household, and that 3 person or more type households are the most common household type, we consider that the majority of this housing stock consists of 3-bedroom or more type units.

Based on the demographic profile it's reasonable to conclude that in excess of 50% of the existing housing stock in Mahon consists of 3-bedrooms or more, this percentage is already in excess of the maximum CDP target of 53% (the lower being 23%). We consider that given the existing Mahon housing market consists of predominantly traditional 3 or more-bedroom type housing units, that the proposed development housing mix will add variety and choice to future residents of the Mahon neighbourhood. We also note that as of June 2022, almost 30% (29%) of the existing housing stock at Jacob's Island consists of 3 or more-bedroom apartments and houses.

In this context, we consider the proposed housing mix does not constitute a material contravention and is in line with Objective 11.2 in that a clear justification has been provided '*on the basis of market evidence that demand / need for a specific dwelling size is lower than the target*'.

3.5 CAR PARKING PROVISION

The subject site is located within 'Car Parking Zone 2' where Table 11.13 of the Draft CDP 2022 sets out a maximum car parking standard as:

- 1/2 bedroom units – 1 space.
- 3+ bedroom units – 2 spaces.
- Creche – 1 per 6 students.
- Offices Enterprise and Employment - 1 space per 150m² of gross floor area

The proposed development makes provision for 246 no. residential parking spaces, 6 no creche spaces, 69 no. spaces and 6 no. car club spaces, resulting in a total of 327 no. car parking spaces. Overall, this is significantly less than the maximum standard for the scheme as set out in the Draft CDP 2022 which equates to 525 no. spaces. However, the proposed 69 no. spaces allocated for office use are in excess of the standard which equates to a maximum of 27 no. spaces.

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

Unit Size	No. Units Provided	CDP 2022- Parking Standard	Max	Proposed Provision	Compliance
Studio	1	1 space /unit	1	246	243 below Max Compliant
1 bed	161	1 space /unit	161		
2 bed	327	1 space /unit	327		
Creche	53 Child place	1 per 6 students *	9	6	3 below Max Compliant
Office	4,112m ²	1 space per 150m ² *	27	69	Exceeds Maximum
Car-club				6	-
Total	489		525	327	Compliant

* Based on Proposed Material Alteration 1.332
Table 2 Car Provision Compared to the Draft CDP Standard Table 11.13

3.5.1 Pattern of Development- Section 37(2)(b)(iv) of the Act

Section (iv) of the Act 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.

The applicants recognise that the proposed parking provision needs to find an appropriate balance between providing adequate parking to ensure no over spill parking in the existing residential areas and not to over provide, so as to discourage travel by more sustainable modes. The Board will note that the parking policy and standards of Cork City Council are currently in transition with the new Draft City Development Plan 2022-2028 coming into effect on August, 8th, 2022 replacing the current Cork City Development Plan 2015-2021. The overall parking provision for the proposed development is compliant with the parking standards contained in both plans.

While the underlying concept in this scheme is the juxtaposition of housing and employment to reduce the significant volume of unsustainable inwards commuting into Mahon, the proposed layout has had regard to the existing pattern of commuter travel in the area. Based on this the proposed parking provision has been allocated to ensure the immediate viability of the office development in terms of worker access while the imbalance in the housing provision in the wider Mahon area is addressed.

The site's excellent connectivity with access to one of Metropolitan Cork's best cycling and pedestrian links to employment opportunities, local amenities and to the City Centre will encourage future residents to use sustainable means of travel and the Design Statement recognises that the movement and flow of pedestrians/cyclists will be critical. In further recognition of this the proposed development overprovides for bicycle parking for the office element, with 80 no. bicycle spaces proposed, whereas 30 spaces would be required in accordance with the Draft Cork City Development Plan standard.

Travel by car will remain an element of the modal split as highlighted in the accompanying MMP and will have to be facilitated through the provision of parking. The Board will note from the observations on the current Hotel and Office planning application (Cork City Council Planning Ref. 22/40809) that the under provision of parking is of principle concern to local residents.

These observations echo a general concern that parking standards may be reduced too quickly and in the absence of increased frequency public transport provision on which reduced standards are based. This was highlighted earlier this year when An Bord Pleanála refused a Strategic Housing Development of 221. no. residential units (36 no. houses and 185 no. apartments/duplexes), creche and associated site works at the former Devoy Barracks, John Devoy Road, Naas, Co. Kildare, ABP-309954-21 refers. In this case the Board refused permission for the following reason

Having regard to the location of the site and in particular the absence of high frequency urban public transport services within easy walking distance of the site, the Board considers that the level of car parking provision is deficient and that it would not serve the needs of future occupants of the development. Furthermore, the Board also considers that the street environment would be dominated to an unacceptable degree by surface car parking and that this would undermine the sense of enclosure and overall amenity of the development, and be contrary to the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment,

Heritage and Local Government in May 2009, in particular criteria numbers 7 Layout and 11 Parking and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended, in particular Section 2.2.1 and Section 4.4.9. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

While the proposed development site is located within an accessible urban location, enjoys excellent connectivity and a high frequency bus service, the reduced parking standards for offices are based on the future implementation of CMATS. The first phase of this, BusConnects, which will bring increased frequency bus service to Jacob’s Island will not be delivered within the lifetime of the Plan. Later phases include the development of a light railway network, which is set to be delivered before 2040.

Section 7.2.4 of the *Cork City Strategic Employment Locations Study*, which was published as a supporting document to the Draft City Development Plan highlights that an employment density of 1 worker per 18m² of office space. Based on this the offices with a net floor area of 2,934 m² will accommodate approximately 163 workers. In accordance with the Draft City Development Plan standards of 1 space per 150 m² of gross floor area of 4,112 m², the offices will be served by 27 spaces.

One of the strategic outcomes of CMATS is to reduce the AM Mode Share of the private car from 66% in 2011 to 49.3% in 2040. Allowing 49.3% of the future employees to travel to work by private car would still require 80 spaces, which would indicate that the current City Development Plan standards are appropriate and will allow the City to meet CMATS targets. The provision of just 27 no. spaces will require 136 employees or 83% to travel to work by more sustainable means, which is far in excess of the CMATS 2040 target of 50.7%.

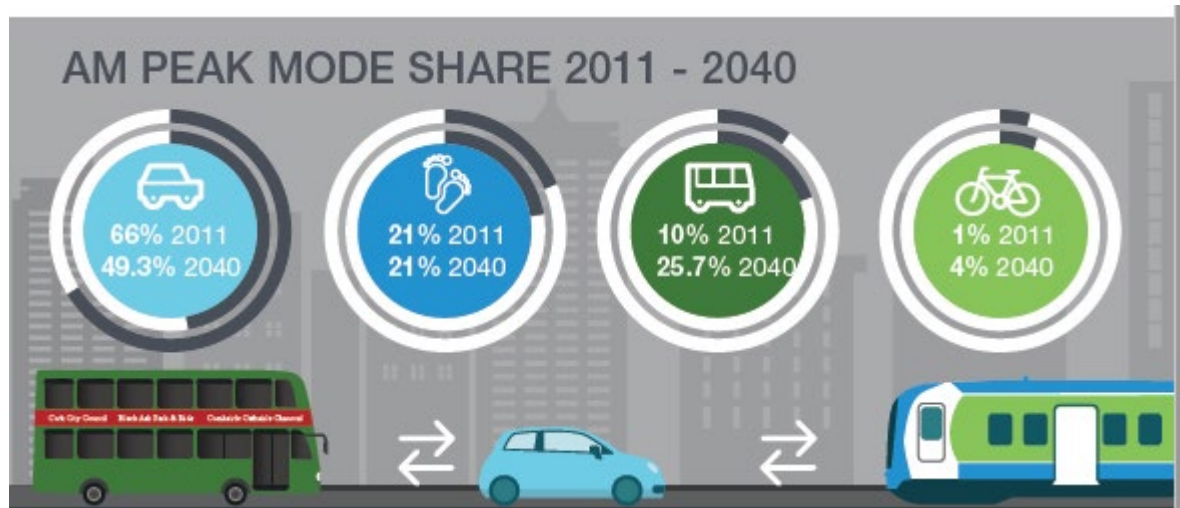


Figure 3.7 CMATS Strategy Outcomes (Extract pg. 14)

The challenges that the achievement of such a high modal shift, which is driven by a dramatic reduction in parking standards between Development Plans, is highlighted by the demographic analysis prepared as part of Chapter 13, Population and Human Health of the accompanying EIAR.

This chapter indicates that in the 2016 Census the commuting pattern of workers travelling into the Mahon neighbourhood indicated that 93% of Mahon workers come from elsewhere in the City or outside the city. The use of private transport amongst this group at 80% is higher than the resident population (64%) and significantly higher than the city average (49%).

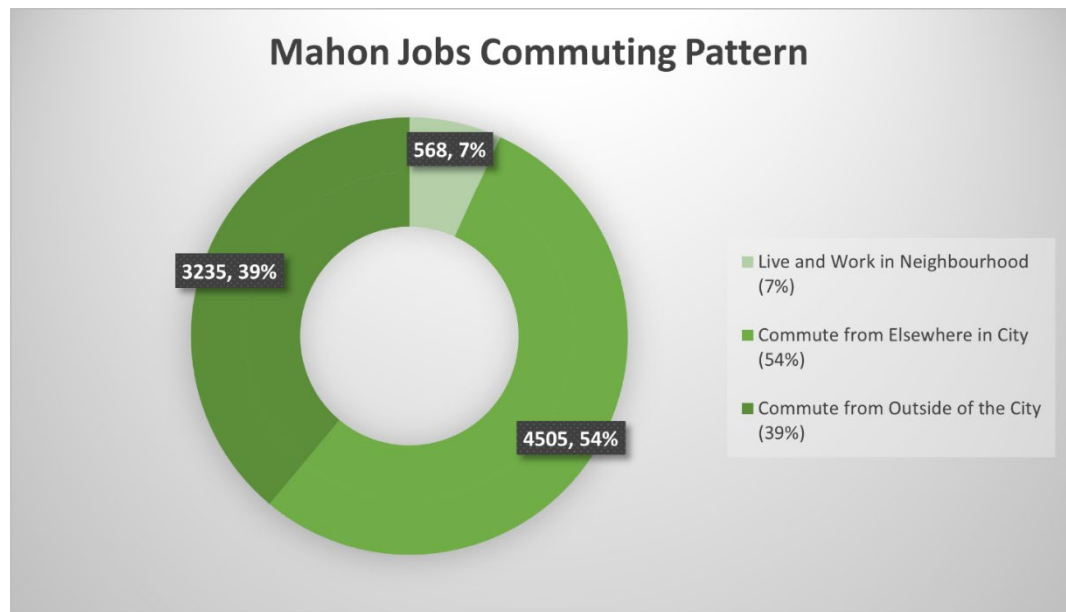


Figure 3.8 Census 2016 – Mahon Jobs - Worker Commuting Pattern

The proposed mixed-use development will contribute towards addressing these unsustainable travel patterns, by providing housing in close vicinity to employment accessible by existing walking and cycling routes. However, in the short-term, while the wider imbalance in housing in the area is being addressed, the viability of the office development would be curtailed if parking provision, reflecting the current commuter patterns is not provided for their future workers. In reality the shift to an aggressively low parking standard over a very short period of time, will not result in increase modal share for sustainable travel as the infrastructure is not in place and the services have not been increased and many will have no other option other to drive to work. This as local residents fear could result in ad hoc parking in established residential areas, if appropriate parking provision is not made.

As Chapter 5, Material Assets – Traffic & Transportation, of the accompanying EIAR notes the average number of vehicles leaving Jacob’s Island in 2021 traffic survey was relatively low considering the number of parking spaces available on Jacob’s Island. Chapter 5 considers this may be due to the range of other modes easily available on the Island such as bus, cycle and walk with car usage more for leisure and weekend purposes. This underlines the sustainable nature of Jacob’s Island, where the commuting patterns contrast with those of the wider Mahon area.

It is the intention of the proposed development to build on this trend. The reduced residential parking provision, which is 50% of the Draft Development Plan maximum standards, aims to influence the modal choice of future residents in their commuting patterns. However, in order to safeguard the commercial success of the proposed office development the parking provision reflects the current commuting profile of Mahon job employees. It is considered that this is a short to medium term requirement and the introduction of a significantly reduced parking standard in a short period of time will place the proposed development at a disadvantage to the developments which have been granted in accordance with the current City Development Plan. This is due to the fact that the FDI clients that have been attracted to Mahon to date are unlikely to take up offices, with a low parking provision, which they will consider to be a barrier to their ability to attract skilled staff. The

inability to attract FDI investment or commitments will have undermine the viability of office development.

As planned public transport proposals, in particular the LRT, and greenway enhancements are delivered, it is envisaged that inward commuter modal shift will result in a significant reduction in inward car-based commuting. In addition, as more local housing comes on-stream, the juxtaposing of housing and employment will re-balance the commuting pattern in the area, reducing the requirement for car parking in the area, to a pattern in line with that currently in evidence in Jacob's Island, where cars are largely used for weekend leisure activities rather than weekday commutes.

The requirement to maintain the existing parking standard for the office is likely to be a short to medium term one and will cater for employees who don't have access to public transport or parents who need access to a car for school drops etc. However, in time the implementation of CMATS and expansion of the public transport network and the development of orbital bus routes should reduce this requirement. Best practice for mobility management plans is that they are updated at agreed intervals and submitted to the Planning Authority for approval. This provides an opportunity to monitor and manage the demand for parking and once the improved transport infrastructure is in place, the applicants have no objection to the excess space being removed or repurposed as public spaces, at what at the present is identified as the end of the LRT route. The applicants would welcome a condition requiring the updating of the MMP at appropriate intervals, for agreement with the Council with the removal or repurposing of spaces once transport infrastructure is improved.

In view of the fact that the application for the proposed development is under consideration in the transition period between these two plans and their differing standards, we consider the proposed parking provision is appropriate, and will still allow for the achievement of the CMATS 2040 modal share. As Chapter 5 of the EIAR demonstrates the office parking provision will not have a material impact on the function of the Mahon Interchange or the carrying capacity of the N40. The applicants are committed to the delivery of a sustainable mixed use development and the overall parking provision is 28% below the maximum quantum based on the Draft CDP 2022 standard, the parking provision for the residential component of the proposed development is 50% of the maximum standard and 3 times the required number of bicycle spaces have been provided for the office element.

We consider therefore that contravention of the Draft Plan 2022 car parking standard is justified, having specific regard to Section 37(2)(b)(iv) of the Act.

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, sufficient justification exists for An Bord Pleanála to decide to grant permission for the proposed Jacob's Island SHD, in accordance with section 37(2)(b)(i) and (ii) of the Planning and Development Act, 2000 (as amended), notwithstanding the fact that the proposed SHD materially contravenes the Draft CCDP 2022 in relation to density, height, car parking provision and may be considered to contravene it in relation to housing mix.

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