



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-313919-22

Strategic Housing Development	489 no. apartments, creche, offices and associated site works.
Location	Jacob's Island, Ballinure, Mahon, Cork
Planning Authority	Cork City Council
Applicant	Hibernia Star Limited
Prescribed Bodies	Transport Infrastructure Ireland (TII) National Transport Authority (NTA) Irish Water
Observer(s)	None
Date of Site Inspection	23 rd August 2024
Inspector	Stephen Ward

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 1.2. The application includes the construction of 489 no. apartments and a stated gross floor space of residential accommodation of 48,069m² (54,568.1m² including 6498.7m² of podium car parking). It has a stated gross floor space of non-residential development (creche and offices) of 4,493m². The non-residential floor space would not exceed 15% of the cumulative gross floor area; would not exceed 4,500m²; and would not exceed 15m² for each house (i.e. 7,335m²). I am satisfied that the proposed development comes within the definition of 'Strategic Housing Development' as set out in Section 3 of the Act and that the application has been made in accordance with all relevant legislative requirements.

2.0 Site Location and Description

- 2.1. The site is located in the Mahon area in the southeastern suburbs of Cork City. It is part of Jacob's Island, which is a small peninsula extending south of the N40 Cork South Ring Road into Lough Mahon. The area consists mainly of residential development and open space (including Joe McHugh Park). There is a greater mix of commercial development on the opposite (northern) side of the N40, including the Mahon Point Shopping Centre and Mahon Retail Park.
- 2.2. The site itself extends to a stated area of 3.95 ha and is of an irregular shape. It features a varied topography with level changes of up to 6m across the extent of the site. It consists mainly of 'scrub', along with small portions of broadleaved woodland, grassland, and bare ground associated with temporary construction works.
- 2.3. The N40 road runs along the northwestern side of the site, although it is partially separated from the site by a narrow tract of undeveloped land (see ABP Ref. 314420 in section 4 below). The northeastern end of the site also adjoins an existing residential development of 4 no. blocks (up to 8 storeys) known as 'The Sanctuary'. The 'Longshore Avenue' road and associated residential development (2-4 storeys) wraps around the eastern and southern periphery of the site. The site also wraps

around 'Block 10' on the northern side of Longshore Avenue, which is an almost complete 6-storey residential neighbourhood centre development permitted under ABP Ref 301991-18 (see section 4 below).

- 2.4. To the west, the site is accessed via Local Road L99484 which runs south of Junction 10 on the N40. There is an existing temporary construction entrance to the northwest corner of the site and a construction access runs through the site to Block 10. There are existing bus stops adjoining the site along Longshore Avenue and at The Sanctuary, which are served by the 215 and 215A routes. There is a network of connected pedestrian and cycle links in the surrounding area, including Joe McHugh Park, the River Lee/Lough Mahon Riverfront Greenway, and Passage West Greenway.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 489 no. apartments, creche and offices in 5 no. blocks ranging in height from part-1 to part-8 no. storeys over lower ground and semi-basement podium levels. The development will contain 1 (0.2%) no. studio, 161 (32.9%) no. 1 bedroom apartments, and 327 (66.9%) no. 2 bedroom apartments. The Blocks are comprised of the following:

- 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 sqm) 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 sqm) 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).

- 3.2. 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.
- 3.3. The proposed surface water drainage will be gathered in a dedicated system and connect to existing sewers which outfall directly to Lough Mahon. Attenuation is not proposed but hydrocarbon interceptors will be provided. Foul drainage has been designed as a completely separate system which will discharge to the existing manholes at two discharge points.
- 3.4. The following table sets out some of the key elements of the proposed scheme as stated by the applicant (based on the net site area):

Table 1 – Key Figures of the Proposed Development

Site Area	3.95 ha (gross), 3.55 (net)
Residential Units	489
Density	Net site area (3.55ha) / 489 = 138 uph (net density)
Plot Ratio	1:1.3 (net)
Site Coverage	42%
Other Uses	Creche (381m ²), Office (4,112m ² (gross), 2,934 (net))
Height	Block 11 – part-3 to part-6 no. storeys over semi-basement podium and lower ground levels. Block 12 - part-1 to part-4 no. storeys over undercroft car parking and lower ground level office building. Block 13 - part-2 to part-8 no. storeys over lower ground levels. Block 14 is part-3 to part-6 no. storeys over lower ground level. Block 15 is part-3 to part-6 no. storeys over semi-basement, podium and lower ground level.
Dual Aspect	50.7%
Communal Open Space	3,470m ²

Public Open Space	4,350m ² (12.3%)
Car Parking	327 spaces
Bicycle Parking	1,145 spaces
Part V	48 units (10%) in Block 11

3.5. In addition to the standard drawings and documentation requirements, the application was accompanied by a range of reports and documentation including the following:

- Planning Statement and Response to Opinion
- Statement of Consistency
- Statement on Childcare
- Part V Costs Methodology
- Material Contravention Statement
- Environmental Impact Assessment Report
- Statement on Housing Mix
- Design Statement
- Schedule of Accommodation & Housing Quality Assessment
- Building Lifecycle Report
- Landscape Design Report
- Landscape Softworks Specification
- Landscape Maintenance and Performance Standard
- Arboricultural Report
- Tree Protection Plan and Tree Constraints Plan
- Mobility Management Plan
- Statement on DMURS consistency
- Quality Audit

- Engineering Infrastructure Report including Flood Risk Assessment
- Construction and Environmental Management Plan
- Operational Waste Management Plan
- Public Lighting Plan and Report
- Natura Impact Statement including Appropriate Assessment Screening.

4.0 Planning History

The recent relevant planning history for the site and adjoining lands can be summarised as follows:

Application Site

P.A. Reg. Ref. 07/32686 (ABP Ref. PL28.232275): On 30th July 2010, the Board upheld the decision of Cork City Council to grant permission for a mixed-use scheme on the application site. Condition 2 of the decision required that Blocks C1, C2 and D be omitted, and Block E be truncated. The reason given for these amendments was that the proposed level of retail space and the scale of the blocks and number of residential units proposed was excessive at this location having regard to the zoning of the site. The Board's decision permitted 817m² of 5 small retail and retail service units, two medical units, and 284 apartments.

Neighbouring Sites

ABP-301991-18 SHD (amended by ABP-310378-21): Granted permission in 2018 for a mixed use residential (413 units) and retail development with crèche, retail, landscaping and road improvements on neighbouring lands at Jacob's Island. This was subsequently amended by ABP-310378-21, with residential numbers increased to 437 units, some modifications to the rooflines and changes to the ground floor layout of Block 10 (Neighbourhood Centre). The development will include 437 no. apartments contained in 6 blocks ranging in height from 6 to 25 storeys. The development has also provided upgrades to a section of the Mahon Link Road (R852) to the North of the N40 interchange to incorporate a dedicated bus and cycle

lane. Block 10 is almost complete, but construction has not commenced on the remaining blocks.

P.A. Reg. Ref. 22/40809 (ABP Ref. 314420): This relates to a narrow site between the application site and the N40 road. On 27th November 2023, the Board upheld the decision of CCC to grant permission for the construction of a hotel and office development in two blocks. Construction has not commenced.

P.A. Reg. Ref. TP00/24609: This relates to lands to the north, east, and south of the site (The Sanctuary and Longshore Road residential developments). Permission granted for a mixed residential development of 431 units comprising 271 apartments in 8 blocks and 160 houses and duplexes. Of the 8 permitted apartment blocks, 4 have been constructed (The Sanctuary). The parent permission was subject to modification and an increased number of units. CCC has previously stated that 343 out of 486 permitted units have been constructed.

5.0 Section 5 Pre-Application Consultation

5.1. Pre-Application Consultation ABP-311818-22

- 5.1.1. A Section 5 pre application consultation took place remotely via Microsoft Teams on 4th March 2022. The consultation related to a proposal for 498 no. apartments, creche, ancillary residential amenity and offices. Representatives of the prospective applicant, Cork City Council, and An Bord Pleanála were in attendance.
- 5.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The applicant was advised that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for Strategic Housing Development:

Development Strategy

Further consideration and/or justification of the documents as they relate to the design approach of the proposed development and the need for a high-quality, well-designed development which integrated effectively with those permitted and proposed developments in the immediate vicinity. The further consideration/justification should address the matters of the architectural approach to Blocks 11-15 and the configuration and interaction of the ground floor layouts and the public realm, with particular emphasis on the movement and flow of pedestrians/cyclists within the carparking strategy and open space design. Particular regard should be had to 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, specific information should be submitted with any application for permission, which can be summarised as follows:

1. Rationale for the proposed car parking provision.
2. Rationale for the apartment mix proposed.
3. Report that specifically addresses the proposed materials and finishes.
4. Quantitative and qualitative assessment which provides a breakdown of the public and communal open space areas, and a detailed landscaping plan.
5. Phasing Plan.
6. Construction Management Plan.
7. Waste Management Plan.
8. Operational Waste Management Plan.
9. Stage 1 and Stage 2 Road Safety Audit.
10. Invasive Species Management Plan.

11. Sunlight/Daylight/Overshadowing analysis.
12. Material Contravention Statement.
13. Statement of Consistency with the relevant objectives of the development plan for the area.
14. EIA Screening information, or an EIAR.

5.2. Applicant's Statement of Response to ABP Opinion

5.2.1. A 'Planning Statement & Response to An Bord Pleanála's Opinion' was submitted with the application, as provided for under Article 297(3) of the Planning & Development Regulations 2001 (as amended). The response to the Development Strategy issue can be summarised as follows:

- The Design Statement and EIAR outline the design rationale and changes that have been applied, including the reduction in no. of units from 498 to 489.
- The density has reduced from 147.8 uph to 137.7 uph.
- Public open space has been slightly increased.
- Car parking is now predominantly under podium or undercroft (67%), with provision being made for car club spaces.
- Communal open space of Block 15 has been relocated to the north-west of the block to provide active frontage along the pedestrian desire line that runs through the site. This counterbalances and acts in conjunction with the proposed hotel plaza area (P.A. Reg. Ref. 22/40809) to animate the main access point to the scheme.
- A series of character areas have been defined across the scheme, all linked by the central 'Park' area.
- Section 5 of the Design Statement demonstrates that the proposed development will integrate successfully with the existing 4 storey duplex units of The Haven and the permitted apartment Blocks identified as Blocks 7, 8 and 10 in the SHD scheme.

- Section 7 of the Design Statement outlines the 4 typical interactions ground floor apartments have with the public realm and details the specific treatments developed to ensure the residential amenity of these units and their private open space is protected.
- The site's excellent connectivity with access to one of Metropolitan Cork's best cycling and pedestrian links to employment opportunities, local amenities and the City Centre will encourage future residents to use sustainable travel.
- Section 6 of the Design Statement details how pedestrians/cyclists will circulate through the proposed development, within the carparking strategy and open space design. The Design Statement and the Landscape Design Report both highlight the benefit of the existing Lakelands Lane as a pedestrian and cycle link from the proposed development to the existing Greenway. It was agreed with CCC that the application would propose some upgrades of the existing Lakelands Lane through the imposition of a condition requiring the payment of a special contribution of €75,000.
- Section 10 of the Design Statement demonstrates that the proposed development has full regard to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009).

5.2.2. With regard to the 'specific information' also requested by the Board, the applicant's response outlines that the requested information (points 1-14) has been submitted.

6.0 Relevant Planning Policy

6.1. National Policy / Guidance

6.1.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

6.1.2. 'Project Ireland 2040 – The National Planning Framework' (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.3. The Draft First Revision to the NPF was published on 10th July 2024. It focuses on the need to update the Framework in order to appropriately reflect changes to government policy that have taken place, such as climate transition, regional development, demographics, digitalisation and investment and prioritisation. The Draft Revision was on public consultation until 12th September 2024.

6.1.4. The Climate Action Plan 2024 implements carbon budgets and sectoral emissions ceilings and sets a course for Ireland's targets to halve our emissions by 2030 and

reach net zero no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, a significant behavioural shift away from private car usage, and continued electrification of our vehicle fleets.

6.1.5. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage (hereafter referred to as the '*Compact Settlement Guidelines*').
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (July 2023) (hereafter referred to as the '*Apartments Guidelines*').
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines*').
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018 (hereafter referred to as the '*Building Height Guidelines*').
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the '*Childcare Guidelines*').
- Spatial Planning and National Roads - Guidelines for Planning Authorities (January 2012) – Department of Environment, Community & Local Government.

6.1.6. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

6.2. Regional Policy

6.2.1. The Regional Spatial & Economic Strategy (RSES) for the Southern Region is a 12-year strategic regional development framework which establishes a broad framework for the way in which society, environment, economy and the use of land should evolve.

6.2.2. It includes a Metropolitan Area Strategic Plan (MASP) for Cork. Relevant policy objectives can be summarised as follows:

1a - To strengthen the role of the Cork Metropolitan Area as an international location of scale and a primary driver of economic and population growth in the Region.

2c - Seek investment to achieve regeneration and consolidation in the city suburbs. Seek high quality architectural and urban design responses to enhance the uses of the waterfront and all urban quarters.

6.2.3. Section 7.2 of the MASP identifies Mahon as a Strategic Residential and Regeneration Area along the potential Light Rail Corridor. Related Infrastructure Priorities are identified as: New public transport bridge and route linking via Bessboro to Mahon; Expansion and upgrading of amenity areas and walking/ cycling routes; and Investment in retrofitting infrastructure and services.

6.3. Cork City Development Plan 2022-2028

Core Strategy

6.3.1. The Core Strategy Map includes the site within the 'Mahon' District Centre, which would be linked to the city centre and other parts of the city via Light Rail Transport, improved bus routes, and the 'Lea to Sea Greenways'. The Growth Strategy Map (2.21) identifies the application site as a 'Tier 1' site targeted for 'compact growth', while Figure 2.22 includes the site as being 'in Existing Built-up footprint'. Section

2.57 outlines the role of the City Suburbs, which is to consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations which prioritise sustainable transport and enhance local character.

6.3.2. Other relevant objectives can be summarised as follows:

2.10 – Supports the 15-minute city concept.

2.11 – Supports the development of a low carbon city.

2.13 – Supports design-led development to create high-quality environments.

2.14 – Supports walkable neighbourhoods.

2.24 - Aims to address issues of dereliction, vacancy and underutilisation of sites within Cork City by encouraging and facilitating their re-use and regeneration.

2.31 - Aims to deliver 65% of all new homes within the built footprint of the city.

Housing

6.3.3. Chapter 3 deals with 'Delivering Homes and Communities'. Relevant objectives can be summarised as follows:

3.1 - Supports the 15-Minute City concept, placemaking at the heart of design, planning for communities, the provision of supporting neighbourhood infrastructure, and the creation of healthy and attractive places to live.

3.2 – Supports a diverse, inclusive and equal distribution of uses, infrastructure, and services, which takes into account the specific needs of population groups and reduces social inequality.

3.4 - Seeks to ensure that at least 66% of all new homes will be provided within the existing footprint of Cork, with at least 33% provided within brownfield sites.

3.5 – Promote high-quality higher density development in accordance with the standards set out in Chapter 11 of the Plan.

3.6 – Encourages the development of an appropriate mix of dwelling types.

3.21 – Requires purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units, unless it can be clearly established that existing facilities are sufficient.

Transport & Mobility

6.3.4. Chapter 4 'Transport and Mobility' aims to provide an integrated and sustainable transport system based on the implementation of the Cork Metropolitan Area Transport Strategy (CMATS). It supports several initiatives relevant to the application site, including:

- Lee to Sea Greenway
- Passage Railway Greenway
- BusConnects CBC 11 - Jacobs Island to City Centre via Balinlough
- BusConnects CBC 12 - Mahon to City Centre Via Balintemple
- Light Rail Transit from Mahon Point to Ballincollig via City Centre
- N40 Demand Management.

6.3.5. Relevant objectives can be summarised as follows:

4.1 – Aims to implement CMATS.

4.3 – Ensure all new residential, employment and commercial development is focused in areas with good access to planned high frequency transport network.

4.4 – Promotes active travel and the 15-Minute City concept.

4.5 – Promotes permeability, particularly along public transport routes.

4.7 - To protect the strategic transport function of national roads.

4.8 - To safeguard the capacity, efficiency and safety of strategic national roads and to require development proposals to mitigate any adverse effects.

Green & Blue Infrastructure (GBI), Open Space & Biodiversity

6.3.6. Chapter 6 highlights the important role that the City's biodiversity, green spaces and waterways play in helping to achieve its development goals. It identifies several GBI opportunities relevant to the application, including the Lee to Sea Greenway Biodiversity and Greening Plan.

6.3.7. The Plan seeks to protect and enhance the landscape character of the City by protecting the significant landscape elements, including the designation of Land Preservation Zones (LPZ) and Areas of High Landscape Value (AHLV). The Lough Mahon shoreline is designated as an AHLV, while the Douglas River Estuary (including pond) to the west is designated as an LPZ.

Economy & Employment

- 6.3.8. Chapter 7 outlines that the Cork Metropolitan Area (CMA) is recognised as a key employment base and economic driver in Ireland, and that office uses form a vital part of the economy and provide a significant amount of employment.

Heritage, Arts, & Culture

- 6.3.9. Chapter 8 outlines how the preservation of Cork's cultural heritage and cultivation of its cultural identity makes the city an attractive and vibrant place to live, work, study and visit. Relevant Objectives include the following:

8.1 - To protect and preserve archaeological monuments.

8.2 – Protection of the Archaeological Resource.

8.17 - Conservation of the City's Built Heritage.

Environmental Infrastructure

- 6.3.10. Chapter 9 outlines that sustainable growth and management of development depends on the provision of good quality infrastructure, while protecting the environment from pollution. Relevant objectives include:

9.2 - Require all new proposals to provide a separate foul and surface water drainage system and to incorporate SuDS; require evidence of consultation with Irish Water demonstrating that adequate water services are available.

9.4 - Require that all planning applications for new development incorporate SUDS in so far as possible.

9.7 – Water Quality.

9.10 – To restrict and assess development proposals in Flood Risk Areas.

Key Growth Area & Neighbourhood Development Sites

- 6.3.11. Chapter 10 deals with 'Key Growth Areas' including Mahon which is described as a well-connected, mixed-use suburb. Relevant objectives include:

10.89 - Support the development of Mahon as an area for growth consolidation and enhancement by providing a mix of new neighbourhood uses in line with retail and

other relevant objectives, including the regeneration of the Avenue de Rennes Neighbourhood and Local Centre and the development of a library and youth facility.

10.90 - To provide for mixed use development ranging in height from 4 to 10 storeys on Jacob's Island to accommodate the mix of uses set out under the ZO 4 Mixed Use Development Zoning Objective to include a hotel and up to 20,000 square metres of business and technology office use.

Placemaking and Managing Development

6.3.12. Chapter 11 outlines guidance and standards in relation to Placemaking and Managing Development. Relevant standards and objectives include the following:

Table 11.1 outlines building height targets of 4-6 storeys for 'Mahon'.

Objective 11.1 promotes sustainable residential development and quality places.

Table 11.2 outlines a target Floor Area Ratio (FAR) of 1 – 4 and a density range of 50-120 dwellings per hectare for 'Mahon'.

Objective 11.2 and Table 11.8 outline the City Suburbs Dwelling Size Mix for Housing Developments.

Objective 11.3 and sections 11.87 to 11.94 set out quantitative and qualitative standards for housing and apartment design.

Sections 11.226 – 11.230 outline Transport and Mobility requirements for Large Scale developments.

The site is within Car Parking Zone 2 and Table 11.13 outlines maximum car parking standards for various classes of development. Table 11.14 outlines Bicycle Parking Requirements.

Land Use Zoning Objectives

6.3.13. Chapter 12 and the Land Use Zoning Map outline that the vast majority of the site is zoned 'ZO 04, Mixed Use Development'. The zoning objective is:

'To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area'.

6.3.14. The southern periphery of the site (i.e. Longshore Avenue) is zoned 'ZO 01, Sustainable Residential Neighbourhoods'. The zoning objective is:

'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.

6.4. Applicant's Statement of Consistency

6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(a)(iv)(I) of the Act of 2016, which outlines how the proposal is consistent with National Policy; Section 28 Ministerial Guidelines; Regional Policy; the Joint Housing Strategy for Cork Planning Authorities 2014/2015 (subsequently replaced); the Cork City Development Plan 2015-2021 (subsequently replaced); the Draft Cork City Development Plan 2022-2028 (subsequently amended and adopted); and the Mahon Local Area Plan 2014 (Lapsed).

6.4.2. The statement outlines that the proposed development is generally consistent with the prevailing policies and objectives. However, the application outlines that the proposed development may materially contravene 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, and this is addressed in the applicant's Material Contravention Statement.

6.5. Applicant's Material Contravention Statement

6.5.1. The applicant's statement is based on the Draft CDP 2022-2028, which was forecast to come into effect on 8th August 2022 and, accordingly, to be the development plan in place at the date of the Board's decision. The statement outlines that the proposed development raises issues regarding material contravention of the Draft CDP 2022 in respect of the following:

Density

- Objective 3.5 refers to Table 11.2, which sets out the density target for this area as between 50 (lower)-120 (upper) units per 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.

Building Height

- Objective 3.5 refers to Table 11.1, which sets out the building height target for 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

- Objective 11.2 refers to Tables 11.3-11.9 and Table 11.8 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

- The overall car-parking provision (327 spaces) 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.

7.0 Third Party Submissions

None.

8.0 Planning Authority Submission

8.1. Overview

- 8.1.1. In compliance with section 8(5)(a) of the 2016 Act, Cork City Council submitted a report of its Chief Executive Officer which was received on 22nd August 2022. The submission includes technical reports from relevant departments of the County Councils.
- 8.1.2. The Chief Executive's Report is of the opinion that the proposed development would be generally consistent with the relevant objectives of the CCDP 2022-2028 as well

as the ambitions set out national policy. However, the Council has two primary and pivotal concerns that it considers require further information or revisions and suggests that the Board may consider whether the applicant has an opportunity to submit this information through Further Information. Should the Board be minded to grant permission for the proposed development under Section 37(2) of the Planning and Development Act (as amended), a schedule of recommended planning conditions are set out in Appendix C.

8.2. Summary of Inter-Departmental Reports

8.2.1. Planning Policy

- Generally complies with the requirements of the NPF, the RSES, Cork MASP, and CMATS.
- Proposed mix of uses and the cumulative scale of offices proposed under this application and the adjoining SHD to the north are under the 20,000m² cap specified in the CCDP 2022-2028.
- The 137.7 dph density proposed is outside the upper limit of the target density and justification needs to be assessed by Development Management.
- The building height range is consistent with Objective 10.90.
- The housing mix is not compliant with the targets set out in the City Plan (including the HDNA and Table 10.6 (*sic*)), which is supported by SPPR1 of the Apartments Guidelines, and justification requires further assessment.

8.2.2. Drainage

- No objection to a grant of permission subject to standard conditions.

8.2.3. Traffic Regulation & Safety

- The total car parking provision should be reduced from 327 to 183 spaces.
- Proposed bicycle parking levels are acceptable subject to design and management.
- The TTA shows that the proposed development would exacerbate capacity issues for the northern interchange, which would operate with no reserve

capacity in the opening year 2024, the + 5 yr 2029 and the +15 yr 2039 scenarios.

- While the TTA suggests that the impact can be mitigated by linking the signalised junctions and reviewing the signal operation and run times, the junctions already operate on a linked basis with optimised signal timings and phasing, and no further improvements can be made.
- The additional traffic cannot be accommodated safely within the existing road infrastructure (particularly the capacity of the northern interchange junction) and the lack of detail and certainty on the delivery of future public transport improvements. A refusal of the application is recommended.
- In the event of a grant of permission, conditions are recommended, including the agreement of proposals to increase the capacity of the Mahon Interchange.

8.2.4. Environment

- Recommends that standard conditions should apply in relation to construction impacts; construction waste; noise; and general environmental impacts.

8.2.5. Water

- No objections subject to standard conditions.

8.2.6. Housing

- The Part V proposal is acceptable in principle subject to agreement by condition.

8.2.7. Urban Roads and Street Design

- No objections subject to conditions, including the upgrade of pedestrian/cyclist crossings and enhanced priority and route for pedestrians to access from the development to the Mahon SC.

8.2.8. Infrastructure

- No objection subject to the necessary set-back being provided to accommodate Sustainable Transport Corridor J – Mahon to City as proposed under Bus Connects Cork.

8.2.9. City Architect

- Overall, the proposal is a very satisfactory submission.
- The typical one- and two-bedroom apartments show entry directly from a corridor into a living space. It would be preferable if a small lobby space could be introduced, which is achievable in the layouts presented.

8.2.10. Landscape

- The provision of public open space is satisfactory.
- Landscaping details should be agreed by condition.

8.2.11. Chief Fire Officer

- The application does not provide sufficient detail for an in-depth analysis of fire safety.
- Observations are made in relation to fire safety elements of the design of Blocks 11, 13, and 14.

8.3. **Summary of View of the Elected Members**

Council members were invited to a meeting to discuss the proposed development on 26th July 2022. The views as summarised in the CE Report are as follows:

- Overdevelopment of site.
- Concerns about treatment of Lakelands House foundations and cellar.
- Concerns regarding architecture and lack innovative design and placemaking.
- Only one studio apartment.
- Public open space is lacking.
- Recognised need for housing and positives of permeability.

- Welcome proposed development.
- European style and generic but site designated for that type of apartment development.
- Suited for it and will be demand for it.
- Great place with regard to local amenities and walks. Cycle and public transport links to city. Proximity to tunnel.

8.4. Planning Assessment

The assessment outlined in the CE Report references and largely supports the internal reports discussed in section 8.2 of this report. Any additional relevant commentary can be summarised under the following headings.

8.4.1. Principle of the development

- Given the zoning of the site and the objectives and ambitious targets set by the NPF and RSES, the proposal for 489 no. dwelling units is considered acceptable in principle.

8.4.2. Density

- Objective 3.5 refers to Table 11.2 of the CCDP which sets out the density target for this area as between 50 (lower)-120 (upper) units per hectare. The density of 137.7 no. units per ha. is well in excess of the targets.
- Given the anticipated timeframes for the delivery of LRT and other public transport enhancements including BusConnects, the increased densities would have significant effects on infrastructure requirements.
- The N40 Mahon Interchange, from which all vehicular access to the site is made, is already over capacity and experiences regular high levels of traffic congestion. The addition of a large quantum of new development with the associated trip generation may not be appropriate.
- The Board may wish to direct the applicant to reduce the scale of development to accord with the standards set out in the Development Plan and which would also reduce the impact on the local and wider road network.

8.4.3. Residential Standards and Mix

- The proposal meets or exceeds the standards for apartment sizes and dimensions as outlined in the Apartments Guidelines.
- Approximately 50.27% of the units are dual aspect which meets requirements. However, there are 76 single aspect northerly facing units and 44 of these units do not exceed the minimum standards by 10%. This would mean that 9% of the overall units would be substandard and they do not address areas of amenity or features which would ameliorate the substandard conditions. A condition should be applied to address this issue and the addition of entrance lobbies as suggested in the City Architect's report.
- Objective 11.2 refers to Table 11.8 of the CCDP which sets out the housing mix requirements for the area. The proposal exceeds the maximum 1 and 2-bedroom units and does not include any 3- and 4-bedroom units.
- While the proposed mix generally accords with the requirements of SPPR 8 (*sic*) a greater number of 2-bed 4-person and 3-bed apartments would be preferential. The dwelling size mix is non-compliant with the HNDA and is not supported.
- A condition requiring the inclusion of family units at lower levels is suggested.

8.4.4. Scale, Height, and Visual Impact

- Objective 3.5 refers to Table 11.1 of the CCDP, which sets out the building height target for this this area as between 4 (lower) - 6 (upper) storeys. However, specific objective 10.86 (*sic*) provides for development ranging in height from 4 to 10 storeys on Jacob's Island.
- The application has set out a justification for the proposed height in the Material Contravention Statement, supported by a detailed Design Statement, Sunlight and Daylight Assessment and Visual Impact Assessment.
- Having considered these detailed reports and the provisions of the adopted CCDP, the proposed building heights across the scheme can be accepted.

8.4.5. Open Space

- The public open space (4,350 sqm) equates to approximately 12.3% of the site area, which exceeds the CCDP requirement of 10%. The local amenities of the existing Joe McHugh Park and the Greenway are also noted.
- 3,470 sqm of communal open space is proposed, which exceeds the 3,075 sqm required in accordance with the Apartment Guidelines standards.

8.4.6. Childcare

- The proposal to accommodate 53 no. childcare spaces is acceptable given the proportion of 1-bed and 2-bed (3-person) units.

8.4.7. Environmental Screening

- The submitted EIAR and Stage 2 appropriate assessment screening report / NIS are noted.
- It is a matter for An Bord Pleanála, as the competent authority, to carry out the environmental impact assessment/appropriate assessment and to identify, describe and assess the direct and indirect effects of the proposed development on environmental factors and to reach a reasoned conclusion.

8.4.8. Recommendation

‘Part 2’ of the CE Report outlines the opinion that the proposed development would be, generally, consistent with the relevant objectives of the CCDP 2022-2028 as well as the ambitions set out in the NPF and Rebuilding Ireland. However, the Council has two primary and pivotal concerns that it considers are fundamental to the scheme’s overall acceptability:

- The impact of the development on the Mahon interchange and wider road network, as outlined in the CCC internal reports and the submissions from the TII and NTA.
- The absence of 3-bed units and non-compliance with the dwelling size mix requirements of the HDNA and CCDP; the benefit of including larger family

units, which would also reduce the proposed density; the individual unit layout; and the quantum of northerly facing units.

Noting the above, it is considered that there are important elements of the scheme that require further information or revisions, and the Board may consider whether the applicant has an opportunity to submit this information through Further Information. Should the Board be minded to grant permission for the proposed development under Section 37(2) of the Planning and Development Act (as amended), a schedule of recommended planning conditions is set out, including agreement on:

- Proposals to increase the capacity of the Mahon Interchange.
- The necessary set-back to accommodate Bus Connects Cork.
- Revised plans showing a greater proportion of family units at lower floor levels and a reduction in the number of single aspect northerly facing units.
- Reduced car-parking proposals not exceeding 183 spaces.
- Proposals to improve pedestrian/cycle connections.

9.0 Prescribed Bodies

9.1. In accordance with the requirements of the Board's pre-application opinion, the application outlines that the following were notified:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Minister for Culture, Heritage and the Gaeltacht
- The Heritage Council
- An Taisce-the National Trust for Ireland
- An Comhairle Ealaíon
- Fáilte Ireland
- Cork City Childcare Committee

9.2. The submissions received in relation to the application can be summarised as follows:

Irish Water

- Wastewater connection requires upgrades at Mahon South Pump Station and to the existing 225mm diameter foul sewer. IW is currently progressing a design concept solution, which applicant will be required to fund.
- Water connection to the public network is feasible without upgrade.
- A Statement of Design Acceptance was issued by IW on 9th June 2022.
- Standard conditions are recommended.

National Transport Authority

- The submission outlines the relevant transport infrastructure proposals and associated objectives identified in CMATS.
- The location is expected to benefit from improved public transport services on the basis of BusConnects and LRT in the longer term. It is also expected to benefit from improved local connectivity to Mahon by walking and cycling modes through the implementation of CMATS' cycle network plan and the associated local connections as proposed by the applicant.
- Whilst it could be concluded that additional development in this area is complementary to CMATS' land use priorities, this assumption needs to be tempered with the challenges still presented by the location's physical separation from Mahon by the N40, its proximity and dependence on the N40 Mahon Interchange and the challenges of delivering a level of public transport service and network accessibility which counterbalances the competitive advantage which its location adjacent to the N40 affords to car mode, for non-local trips.
- For this reason, taking the Spatial Planning and National Roads Guidelines into consideration, it is considered that the timing and phasing of further development in Jacob's Island, including the proposed development, should only be considered on the basis of the delivery of CMATS related public

transport infrastructure and services along with the completion of local connecting walking and cycling infrastructure.

- In this regard, any grant of permission and associated development phasing strategy needs to be aligned with the delivery of supporting transport infrastructure and public transport services.
- Any grant of permission should be contingent on prior agreement with CCC that all aspects of the proposed development are consistent with requirements relating to BusConnects.
- Any grant of permission should be contingent on prior agreement with CCC on how high-quality walking and cycling accessibility to local public transport nodes and other local destinations are going to be provided concurrent with the development of the site.
- Finally, the NTA would place a critical emphasis on the need for effective demand management measures to be applied to ensure that secondary local function traffic impact on the N40 national road can be minimised. In this regard, the NTA would not support the proposed parking provision for office. Rather, it is recommended that at a maximum parking standard specified in the Cork City Development Plan 2022-2028 is applied.

Transport Infrastructure Ireland

Considers that the proposal is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):

- Would create an adverse impact on the national road and associated junction, which would be at variance with Section 2.7 of the Guidelines.
- Insufficient data has been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.

- TII advises that the constraints and strategic issues highlighted by TII in submissions associated with the parent application ABP-301991-18 and 310378/ 21 with regard to the impact on the N40 and associated interchange, still remain.
- TII considers that this proposal in conjunction with the concurrent Cork City Council Planning Application ref. no 22/ 40809 would represent a further intensification of development which will create a further unacceptable impact on the operation, capacity and safety of the N40 mainline and associated interchange.

TII advise that it is essential that the Board evaluates the cumulative impact of the proposals in this locality, which would be at variance with national policy set out in the DoECLG Spatial Planning and National Roads Guidelines and National Strategic Outcome 2 of the NPF, which includes the objective 'Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

10.0 Assessment

10.1. Introduction

10.1.1. At the outset, I note that the application was submitted on 28th June 2022, which was after the CCDP 2022-2028 was adopted (10th June 2022) but prior to it coming into effect (8th August 2022). However, I am satisfied that the application, including the Material Contravention Statement, has adequately considered the relevant provisions of the CCDP 2022-2028.

10.1.2. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Building Height and Quantum of Development
- Residential Amenity

- Daylight and Sunlight
- Traffic and Transport
- Design, Layout, and Visual Impact
- Material Contravention
- The Local Authority Recommendation
- Appropriate Assessment (See section 11)
- Environmental Impact Assessment (See section 12).

10.2. Principle of Development

- 10.2.1. The site is part of the wider Mahon area which is identified in the RSES as a Strategic Residential and Regeneration Area within the Cork MASP. Consistent with this approach, the CCDP Core Strategy includes the site within the 'Mahon' District Centre, which is envisaged to be linked to the city centre and other parts of the city via Light Rail Transport, improved bus routes, and the 'Lea to Sea Greenways'.
- 10.2.2. The CCDP Growth Strategy Map (2.21) identifies the application site as a 'Tier 1' site targeted for 'compact growth', while Figure 2.22 includes the site as being within the 'Existing Built-up footprint' where it is an objective (2.31) to deliver 65% of all new homes. Section 2.57 of the CCDP outlines the role of the City Suburbs, which is to consolidate and enhance by providing a mix of new neighbourhood uses in suitable underutilised locations which prioritise sustainable transport and enhance local character.
- 10.2.3. The CCDP zoning provisions are outlined in the Land Use Zoning Map and Chapter 12. The vast majority of the site is zoned 'ZO 04, Mixed Use Development', the zoning objective for which is *'To provide and promote a mix of residential and other uses to ensure the creation of a vibrant and sustainable urban area'*. 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.

- 10.2.4. The range of permissible uses within this zone includes residential, general offices, and childcare services, as are proposed in the current application. It is also stated that the range and scale of uses proposed must be commensurate to the scale of the zone.
- 10.2.5. I consider that the zoning objective should be considered in the wider scheme of the entire Jacob's Island area, not just the application site itself. In this regard, it is important to note that the application site wraps around a designated 'Neighbourhood and Local Centre' (ZO 08), the objective for which is '*To protect, provide for or improve local facilities*', and to fulfil a local convenience retail, employment and service function, providing a mix of uses and range of services at an appropriate local scale to the local population often within a 5- or 10- minute walking distance.
- 10.2.6. The ZO 08 site was included as 'Block 10' in a previous SHD permission (ABP-301991-18, as amended by ABP-310378-21). The amendment application involved reductions in the scale of non-residential uses, to include a creche (338m²) and a single retail unit (595m²), and the Board did not raise any objections in relation to the revised mix of uses. Block 10 is now almost complete on site, including the creche and retail unit at ground floor level.
- 10.2.7. As outlined in section 4 of this report, the Board also recently granted permission for a hotel (165 bedrooms) and office development (10,632m²) in two blocks on the adjoining site to the northwest. The proposed cumulative total of office space (14,744m²) would not exceed the 20,000m² limit for Jacob's Island as per Objective 10.90 of the CCDP.
- 10.2.8. Therefore, having regard to the extent of non-residential uses included in the current application in the form of a Creche (381m²) and Office space (4,112m²); the extent recently provided within the designated 'Neighbourhood and Local Centre' (ZO 08) in the form of a creche (338m²) and retail unit (595m²); the extent recently permitted on the adjoining site to the north in the form of a hotel (165 bedrooms) and office development (10,632m²); together with the clearly identified housing shortage as outlined in local, regional, and national policy; I am satisfied that the proposed mix of uses is appropriate in accordance with the zoning objective for the site.

10.2.9. In addition to the predominant ZO 04 zoning, I note that the southern periphery of the site is zoned 'ZO 01, Sustainable Residential Neighbourhoods'. The zoning objective for this area is '*To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses*'. However, it should be noted that this portion of the site comprises only the existing 'Longshore Avenue' road carriageway and there are no significant proposals to alter this existing use. Accordingly, I do not consider that any significant issues arise in relation to this zoning objective.

10.2.10. In conclusion, I consider that the site forms part of a wider area that has been identified for strategic development in local and regional planning policy. Furthermore, I am satisfied that the scale and mix of proposed uses is acceptable in accordance with the zoning objectives and other relevant policies and objectives for the area. Accordingly, I am satisfied that the principle of the proposed development is acceptable on these lands, subject to further assessment of detailed planning considerations as outlined in the following sections.

10.3. **Building Height and Quantum of Development**

10.3.1. The proposed development comprises 489 units on a stated net site area of 3.55 ha, resulting in a stated net density of 138 units per hectare. In addition to this, I consider that density calculations should consider the mixed-use nature of the development in accordance with Appendix B of the Compact Settlement Guidelines (2024). On this basis, the site area for density purposes should be reduced commensurate with the residential GFA as a portion of the overall GFA. The residential GFA (48,069m²) is c. 91.45% of the GFA (52,562m²), resulting in a reduced net site area of 3.25 ha and a net density of 150 uph.

10.3.2. In relation to building height, the proposed development is arranged in 5 no. blocks which range from part 1-storey to part 8-storey over lower ground and semi-basement podium levels.

National Policy & Guidance

10.3.3. Chapter 3 of the *Building Height Guidelines* (2018) outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which

exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

- 10.3.4. Section 2.4 of the *Apartments Guidelines* states that ‘Central and/or Accessible Urban Locations’ are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments.
- 10.3.5. More recently, the *Compact Settlement Guidelines* (2024) set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence.
- 10.3.6. Policy and Objective 3.1 of the Guidelines is that the recommended residential density ranges set out in Section 3.3 are applied within statutory development plans and in the consideration of individual planning applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.
- 10.3.7. Table 3.1 of the Guidelines outlines the areas and density ranges for Dublin and Cork City and Suburbs. The ‘City – Urban Neighbourhoods’ category includes ‘(iv) *lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8)*’, and it should be noted this does not exclude suburban areas as it includes all relevant areas ‘*within the city and suburbs area*’.
- 10.3.8. Table 3.8 defines a High Capacity Public Transport Node or Interchange as ‘*Lands within 1,000 metres (1km) walking distance of an existing or planned high capacity*

urban public transport node or interchange, namely an interchange or node that includes DART, high frequency Commuter Rail, light rail or MetroLink services; or locations within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop'. It also defines 'Planned public transport' as 'infrastructure and services identified in a Metropolitan Area Transport Strategy for the five cities and where a public authority (e.g. National Transport Authority, Transport Infrastructure Ireland or Irish Rail) has published the preferred route option and stop locations for the planned public transport'.

- 10.3.9. I note that the Cork Light Rail system is proposed to run between Ballincollig and Mahon Point. However, only an indicative 'Light Rail Route Alignment' has been published at this stage and further feasibility work is required to examine alternatives. Accordingly, I do not consider that this project meets the criteria for 'Planned Public Transport' as previously defined.
- 10.3.10. However, BusConnects is included in the Cork Metropolitan Area Transport Strategy 2040 and the project has completed its third round of public consultation on the eleven proposed Sustainable Transport Corridors (STCs). The Preferred Routes have been published and this includes the 'Mahon to City' Sustainable Transport Corridor (STC J), which approaches the city from two different starting points. While one tail starts at Mahon Point Shopping Centre, the other tail starts on Jacob's Island. The application site is within 500 metre walking distance of the existing bus stops along Longshore Avenue / The Sanctuary and the existing stops to be retained (as per BusConnects) along Mahon Link Road. Accordingly, based on the foregoing definitions, the site is on *'lands around existing or planned high-capacity public transport nodes or interchanges'* which come within the 'City – Urban Neighbourhoods' category as per Table 3.1 of the Guidelines. It is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in such areas.
- 10.3.11. Section 3.4 of the Guidelines recommends that the density ranges should be further considered and refined. Step 1 in the refining process is the 'consideration of proximity and accessibility to services and public transport', which encourages densities at or above the mid-density range at the most central and accessible locations, densities closer to the mid-range at intermediate locations, and densities below the mid-density range at peripheral locations.

- 10.3.12. Table 3.8 outlines further guidance on accessibility and I have already outlined that the site would be within a high-capacity public transport node or interchange based on its location within 500m walking distance of a planned BusConnects 'Core Bus Corridor' stop. Accordingly, the Guidelines encourage densities at or above the mid-density range at such locations. In this regard, the proposed density (150 uph) would be 'at' the mid-density level of the applicable range (i.e. 50-250 uph). Furthermore, from a public transport perspective, I am satisfied that the mid-density level is appropriate given the proposed frequency of the BusConnects route linking the site to the city centre. Bus route 4 would run at frequencies of 15 mins from 6am to 6pm (Mon – Sat), which would be considered reasonably frequent as per the Guidelines. I note that the 'Route 1' service would provide higher frequencies (10 mins or better) from Mahon Point Shopping Centre, although the site would not be within 500m walking distance to the nearest bus stop on this route (it would be c. 750m).
- 10.3.13. I acknowledge that the above relates to 'planned' services and I am satisfied that the Compact Settlement Guidelines specifically allow for reliance on such services (i.e. it refers to 'existing or planned' services). However, the Board should note that the frequency of planned services is comparable to the existing services whereby the site is served by the 215 and the 215A services (adjoining the site), which operate at a 15-minute combined frequency, as well as the Mahon Point bus stop (c.750m walk) where the 202/202A route runs at a combined frequency of 10 mins. Therefore, the proposed development would not be overly reliant on BusConnects in the context of assessing appropriate density.
- 10.3.14. Ultimately, Section 3.4.1 of the Guidelines confirms that the density range set out (i.e. 50-250 dph) will be acceptable. And having regard to the 'reasonable' frequency of existing and planned services adjoining the site and the walking distance to higher frequency services at Mahon Point, I am satisfied that the proposed density (150 uph) is appropriate as being 'at' rather than 'above' the mid-density range in this case.
- 10.3.15. Step 2 in the refining process is the 'consideration of character, amenity and the natural environment'. I have considered these matters throughout my report, and I am satisfied that the proposed density is acceptable. Further details are provided in relevant sections through an evaluation of impacts on:

- (a) local character (see sections 10.7 & 12.13 of this report)
- (b) historic environments (see section 12.12 of this report)
- (c) the environment and on protected habitats and species (see sections 11 and 12.7 of this report)
- (d) the amenities of residential properties (see section 10.4 of this report)
- (e) water supply and wastewater networks (see sections 12.9 and 12.11 of this report).

Local Policy

- 10.3.16. In relation to density and building height, Objective 3.5 of the CCDP promotes compact urban growth by encouraging higher densities according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11.
- 10.3.17. In relation to density, Table 11.2 of the CCDP outlines a density range of 50-120 dwellings per hectare for 'Mahon'. Consistent with the applicant's Material Contravention Statement, I would accept that the proposed density (150 uph) would materially contravene this standard and Objective 3.5 of the CCDP. However, the applicant has argued that a material contravention would be justified based on the following provisions of the Act of 2000:
- 37(2)(b)(iii) – The provisions of the NPF and Apartment Guidelines seeking additional housing at increased densities at appropriate locations, particularly in locations that are well connected by public transport.
- 37(2)(b)(iv) - The recent pattern of development and permissions granted (ABP-301991-18 and APB-309059-20).
- 10.3.18. While the applicant's statement was prepared in advance of the Compact Settlement Guidelines, I consider that these are now the prevailing Guidelines on density, and I am satisfied that a material contravention would be justified for the reasons previously outlined in this section.
- 10.3.19. In relation to building height, Table 11.1 outlines building height targets of 4-6 storeys for 'Mahon'. Consistent with the applicant's Material Contravention Statement, I would accept that the proposed height (part 8-storey over lower ground

and semi-basement podium levels) would materially contravene this standard and Objective 3.5 of the CCDP. However, the applicant has argued that a material contravention would be justified based on the following provisions of the Act of 2000:

37(2)(b)(iii) – The provisions of the NPF (NPO13 & 35) regarding performance-based criteria and promoting increased density; the Building Height Guidelines prohibition of blanket numerical limitations on building height and SPPR 3; and the transport related provisions of the CMATS.

37(2)(b)(iv) - The long-standing consideration of this as a suitable location for taller buildings as evidence by ABP Ref. PL28.232275 (up to 21 storeys) and the recently permitted SHD (up to 25 storeys); the positive comments from the CCC Architect at pre-application stage; and the locational characteristics of the site which represent a significant opportunity to define the future sustainable development of Mahon as the eastern gateway to the City Centre.

- 10.3.20. While not referenced in the applicant's Material Contravention Statement, I also note that Objective 10.90 of the CCDP is to provide for '*development ranging in height from 4 to 10 storeys on Jacob's Island*'. The proposed building heights would be consistent with this objective.

Conclusion

- 10.3.21. Having regard to the foregoing, I acknowledge that the proposed development would materially contravene CCDP policy on density. It would also materially contravene height policy as outlined under Objective 3.5 and Table 11.1, while at the same time being supported by the building height provisions of Objective 10.90.
- 10.3.22. However, the Board must also have regard to national policy and guidance, including the implementation of applicable SPPRs. In this regard, I have already outlined my satisfaction that the proposed density is acceptable in accordance with the Compact Settlement Guidelines and the criteria outlined in section 10.3.14 of this report.
- 10.3.23. Similarly, I consider that the proposed building height is supported by Objective 10.90 of the CCDP and that the Building Height Guidelines (SPPR 3) specifically allows for increased building height even where specific objectives of the relevant development plan or local area plan may indicate otherwise. As outlined in later sections of this report (particularly section 10.7), I am satisfied that the proposed

height is acceptable having regard to relevant local and national policy, including the criteria in section 3.2 of the Building Height Guidelines (as required by SPPR 3).

- 10.3.24. I note that the planning authority has no objection to the proposed building height but has raised concerns in relation to the proposed density, particularly in relation to the related impacts on transport infrastructure. The planning authority concerns will be addressed in later sections of this report, including section 10.8 which deals with the question of Material Contravention.

10.4. Residential Amenity

- 10.4.1. This section assesses the proposed standard of residential amenity having regard to the provisions of the CCDP and applicable national guidelines. The impact of the development on the residential amenity of existing properties is also considered with regard to separation distances and any potential overlooking or overbearing impacts.

Apartment sizes, dimensions, private amenity space

- 10.4.2. Section 11.89 of the CCDP outlines that the minimum size requirements for habitable rooms and apartments shall be in accordance the standards outlined in the Apartment Guidelines. Although it refers to the earlier 2018 Guidelines, I am satisfied that this version of the Guidelines had been replaced at the time of the CDP adoption; that the references to 2018 are erroneous; and that the CCDP ultimately requires compliance with the current 2023 Guidelines.
- 10.4.3. In this regard, the application includes a 'Housing Quality Assessment' for each residential block. This demonstrates that all proposed units exceed the minimum overall apartment floor areas as set out in SPPR 3. Furthermore, with regard to 'Safeguarding Higher Standards' the Guidelines requires that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. The 'Housing Quality Assessment' demonstrates that 287 (or 58%) of the 489 units exceed the requirements by more than 10% and I am satisfied that suitable proposals have been included in this regard.
- 10.4.4. I have also reviewed the other requirements of Appendix 1 of the Apartment Guidelines for living/kitchen/dining areas, bedrooms and storage. As outlined in the Housing Quality Assessment, I am satisfied that the quantitative areas are

satisfactorily provided in accordance with the requirements of the Guidelines. I note the planning authority concerns about the absence of entrance lobbies in some apartments. However, there is no local or national policy basis for such design requirements, and I do not consider that a condition requiring such provision would be warranted in this case.

10.4.5. The proposed ground floor ceiling heights are 2.7m throughout, while the upper floor units have ceiling heights of 2.6m throughout. Therefore, I am satisfied that the proposed ceiling heights are acceptable in relation to the requires of the Apartments Guidelines (i.e. 2.7m at ground floor and 2.4m on upper floors).

10.4.6. All of the proposed units would also be provided with private amenity spaces (balconies, winter gardens or terraces/patios) which comply with or exceed the minimum area requirements. The spaces are at least 1.5m deep and are suitably accessed off the main living areas in accordance with the requirements of the Guidelines. The spaces would predominantly benefit from a southern, eastern, or western aspect and, accordingly, would benefit from good sunlight levels. The spaces are also adequately separated from existing/proposed properties and public spaces to ensure an appropriate level of privacy and security for the proposed units.

Unit Mix

10.4.7. The proposed mix of apartment units will comprise 1 no. studio (0.2%), 161 no. 1 bedroom apartments (32.9%), and 327 no. 2 bedroom apartments (66.9%). The applicant has acknowledged that this would not comply with Table 11.8 of the CCDP, which sets out that the mix at this 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 proportion of 1 and 2-bedroom units and does not meet the minimum proportion of 3- and 4-bedroom units. I note that the CCC CE Report does not support this aspect of the development and suggests the inclusion of a condition requiring additional 'family units'.

10.4.8. The applicant's Material Contravention Statement refers to an accompanying 'Statement on Housing Mix', which includes an analysis of the Mahon Neighbourhood Area. 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%). In terms of household composition, it showed that 50% of units were 3+ person households, 28.8% were 2-person, and 21.2% were 1-person. Within the smaller Jacob's Island area itself, 343 no. units were recorded in June 2022, which were comprised of 1-beds (12%), 2-beds (59%), and 3-beds or more (29%).

- 10.4.9. Based on the above analysis, the applicant suggests that more than 50% of existing units in the wider Mahon area are 3-bedrooms or more, which is already in excess of the CDP target range of 23% to 53%, and that there is a high proportion of 3+ bed units (29%) in the Jacob's Island area. Accordingly, it contends that the proposed 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'.
- 10.4.10. In relation to national policy, I note that the Apartments Guidelines highlight the need for greater flexibility by removing restrictions that result in different approaches to apartment mix on the one hand, and to other forms of residential accommodation on the other. This is particularly relevant where comprehensive housing need and demand assessment (HNDA) has not been undertaken.
- 10.4.11. Accordingly, SPPR 1 outlines that 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. It also states that 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).
- 10.4.12. The proposed development would comply with the provisions of SPPR 1 in that one-bedroom/studio units would not exceed 50%, studio units would not exceed 20-25%, and the entire omission of 3+ bedroom units is acceptable. I also note that only 23 (c. 5%) of the 489 units would be 3-person 2-bed units, which would not exceed 10% of the overall units in accordance with section 3.7 of the Apartments Guidelines.
- 10.4.13. It is also noted that SPPR 1 allows for the specification of an apartment mix, but only further to an evidence-based HNDA. In this regard, I note that the Cork City and

County Joint Housing Strategy and Housing Need Demand Assessment (HS & HNDA) was prepared as part of the CCDP 2022-2028. Section 1.3 (Methodology) outlines that while information has been presented on dwelling type mix (apartments/flats) and household 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).

- 10.4.14. Section 3.5.2 of the HS & HNDA acknowledges that 55% of households in Cork City are composed of either one or two persons, with the average household size being 2.63. It also states that 15% of households in Cork City lived in apartments and that the NPF states that apartments will need to become a more prevalent form of housing, particularly in Ireland's cities.
- 10.4.15. Section 4.4 outlines that historic trends have been used to forecast future household composition requirements. For Cork City, the forecasted annual change in household size is predicted as follows: 1-person (+0.01%), 2-person (-0.05%) 3-person (-0.03%), 4-person (+0.09%), and 5-person (-0.01%). Historic trends have also been used to forecast future changes in dwelling type per annum for Cork City, including a 0.44% decrease in house/bungalow types and a 0.43% increase in flat/apartment types.
- 10.4.16. Notwithstanding the foregoing historic trends, the HS & HNDA highlights that external market factors can influence the future dynamics in relation to unit mix and dwelling type. It concludes that unit type mix over the 2022-2028 period is difficult to forecast with any degree of certainty as the type of new units that will be developed in the coming years will depend heavily on market conditions, development costs, economic conditions, and public policy including national measures to stimulate housing development. Policy Objective PO1 of the HS & HNDA includes an aim for an appropriate mix of housing sizes and states that planning applications for multiple housing units will be required to submit a Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate in meeting the needs of an area.
- 10.4.17. Sections 11.76 – 11.81 and Tables 11.3 – 11.9 of the CCDP deal with 'Dwelling Size Mix'. This contends that the HNDA has provided the basis for the dwelling size mix

targets, and that CCC has applied the household size distribution from the HNDA population modelling to dwelling sizes to provide guidelines to ensure that the forecast households will be able to find suitable accommodation in Cork City. It states that 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. Dwelling Size Mix targets have been identified for four different market types, including those for the 'City Suburbs' as outlined in Table 11.8.

10.4.18. In my opinion, it is not clear how the recommendations of the HNDA have been used to inform Objective 11.2 and Table 11.8 of the CCDP. The HNDA considers the Cork City area as a whole and does not recommend the application of any prescribed mix for the city or any areas thereof. Instead, Policy Objective PO1 requires that individual applications should be supported by a Statement of Housing Mix addressing the needs of an area. I consider that the CCDP takes a contrary approach by identifying specific targets for different areas of the city without clearly demonstrating an evidence basis linked to the HNDA. I would also consider that the 'City Suburbs' area which applies to the application site is varied and wide-ranging and the prescribed mix is not overtly informed by evidenced-based local needs. Accordingly, I am not satisfied that the apartment mix specified in the CCDP is supported by an evidence-based HNDA in accordance with the requirements of SPPR 1 of the Apartments Guidelines.

10.4.19. Notwithstanding the requirement of Objective 11.2 to comply with Table 11.8, it also states that:

'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'.

10.4.20. Section 11.80 of the CCDP provides further commentary on the justification of 'a lower rate'. However, I consider this to be unclear given that it refers to '*market evidence and the housing authority that they (or an approved AHB) have declined*

the option to acquire the units' (sic). The wording of this provision is unclear and would appear to relate to Part V requirements rather than the housing mix.

10.4.21. In any case, I have already acknowledged that the application includes a Statement of Housing Mix and I consider that this is consistent with the requirements of PO1 in the HS & HNDA. I consider that this outlines a more localised and evidence-based assessment of existing housing stock and predicted requirements for the Mahon and Jacob's Island areas. It demonstrates an existing high proportion of larger units/households and concludes that this justifies the demand for smaller unit sizes.

10.4.22. I consider that this is also supported by the analysis outlined in the HS & HNDA, which outlines that 55% of households in Cork City are composed of either one or two persons, with the average household size being 2.63. The HS & HNDA does not predict major annual changes in household size, the most significant being a 0.09% increase in 4-person households. In this regard, I would highlight that the proposed development predominantly contains 4-person units (304 units or 62%) which would appropriately address the most significant of the predicted household trends.

10.4.23. In conclusion in relation to the proposed unit mix, I would state the following:

- It does not comply with Table 11.8 in accordance with the requirements of Objective 11.2 of the CCDP.
- Objective 11.2 provides for 'flexibility' on the ranges specified where a clear justification can be provided. While I am satisfied that a clear justification has been provided, I consider that the significant disparity between the proposed mix and the ranges specified (i.e. Table 11.8) extends beyond the reasonable realm of 'flexibility'. Accordingly, I consider that the proposed development would materially contravene Objective 11.2.
- However, the Board is required to implement the provisions of SPPR 1 of the Apartments Guidelines and I am satisfied that the proposed development would be consistent with the unit mix ranges specified therein.
- I acknowledge that SPPR 1 allows development plans to specify a mix for apartment and other housing developments. However, I do not consider that

the requirements of Table 11.8 are supported by evidence outlined in the HNDA in accordance with the requirements of SPPR 1.

- Accordingly, I consider that the proposed unit mix is acceptable in accordance with the provisions of SPPR 1.

Dual Aspect

10.4.24. The Development Plan requirements in this regard refer to SPPR 4 of the Apartment Guidelines. SPPR 4 outlines that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, a minimum of 50% will be required in suburban or intermediate locations.

10.4.25. The Apartments Guidelines outlines that 'Central and/or Accessible Urban Locations' include:

- 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.

10.4.26. However, it also states that the range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

10.4.27. In relation to employment locations, I note that the site is easily within 1500m walking distance of Mahon Shopping Centre, Mahon Retail Park, and the Mater Hospital. It is also within 1500m of 'mixed use' and 'business and technology' zones between Skehard Road and Mahon Link Road, both of which are recognised as 'Existing Employment Clusters' in the Cork City Strategic Employment Locations Study included as part of the CCDP. Mahon Industrial Estate is marginally more than 1500m (c. 1700m) via the Bessborough grounds. Having regard to this significant

employment presence, I am satisfied that the site meets the criteria for a 'central and/or accessible' location as per the Guidelines.

- 10.4.28. While it is not necessary to meet all criteria, I note that the other criteria relate to public transport services. The Guidelines do not clarify whether planned services can be considered, but I again highlight that the scope for some flexibility given that the range of locations outlined is not exhaustive. As previously outlined, the Compact Settlement Guidelines do include consideration of planned public transport services in the categorisation of locations. In this regard, I have already outlined my satisfaction that this is a 'High Capacity Public Transport Node or Interchange' in accordance with the Compact Settlement Guidelines. Furthermore, I consider that this can be considered analogous to a 'central and/or accessible urban location' (as per the Apartments Guidelines) on the basis that the Compact Settlement Guidelines take precedence as previously outlined in section 10.3.5 of this report.
- 10.4.29. Having regard to the forgoing, I consider that the minimum dual aspect requirement in this case is 33%. The proposed dual aspect ratio (50.7%) would comfortably exceed that requirement and in any case would also exceed the 50% requirement for suburban or intermediate locations.
- 10.4.30. I note that the planning authority has raised concerns about the number of north-facing single aspect units. I have counted that there are 49 units in this category. The Apartments 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. I have reviewed the relevant units, and I am satisfied that all units would overlook an amenity feature in the form of communal or public open space.
- 10.4.31. Having regard to the foregoing, I am satisfied that the proposed development is consistent with the Apartments Guidelines in respect on the proportion of dual aspect units and the quality/nature of any north-facing single aspect units.

Lift / Stair Cores

- 10.4.32. In compliance with SPPR 6, I note that the proposed development would not exceed a maximum of 12 apartments per floor per core.

Security Considerations

10.4.33. The proposed layout provides prospective occupants and visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and parking areas. Entrance points are clearly indicated and would be well lit and overlooked by adjoining dwellings. There are a number of ground floor apartments, and I am satisfied that adequate privacy has been provided in accordance with s. 3.41 of the Guidelines.

Communal Facilities

- 10.4.34. Regarding accessibility and services, the applicant's Design Statement acknowledges that TGD M 2010 is the minimum guidance to show compliance with the requirements of the Part M of the Building Regulations and confirms that the Design Team is firmly committed to achieving universal access in the building. The proposals will be subject to a DAC application (Disability Access Certificate) and the Design Statement satisfactorily confirms that all requirements will be implemented.
- 10.4.35. The Apartments Guidelines outline that communal rooms may be provided in apartment schemes, particularly in some larger developments, although they should not generally be imposed as requirements. The application includes a concierge and residential amenity services within Block 15 at the entrance to the development. A total of 575.9m² of amenities are proposed, which will include a concierge service, management suite, coffee dock area, lounges, shared kitchen / dining, flexible spaces for work, meetings and functions, and a gym, as well as direct access to generous outdoor areas. I am satisfied that this scale and range of amenities is acceptable.
- 10.4.36. Regarding communal waste storage, the application is supported by an Operational Waste Management Plan (OWMP) which uses a waste generation model (WGM) to predict waste types, weights and volumes arising from operations within the proposed development. Four Waste Storage Areas have been provided for the use of residents in Blocks 11, 13, 14 and 15, and I am satisfied that they are suitably located, sized, and designed to serve the proposed development.

Childcare

- 10.4.37. Objective 3.21 of the CCDP requires purpose built childcare facilities as part of proposals for new residential developments of more than 75 dwelling units. However, where it can be clearly established that existing facilities are sufficient, alternative arrangements will be considered.
- 10.4.38. At national policy level, the Childcare Guidelines for Planning Authorities recommend the provision of one childcare facility (providing 20 places) per 75 dwellings, but also states that the threshold should be established having had regard to the existing geographical distribution of childcare facilities and the emerging demographic profile. The Apartments Guidelines states that, notwithstanding the Childcare Guidelines, the threshold should be established having regard to the scale and unit mix of the development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.
- 10.4.39. The application includes a creche facility of 381m² catering for 53 no. childcare places and is supported by a Childcare Needs Assessment. When the 1-bed/studio units are excluded, there would be 327 units resulting in a requirement for 87 places based on the Childcare Guidelines standards. Based on the Apartments Guidelines indication that 2-bed units may also be excluded in part or whole, together with the predicted nature of occupants, the applicant suggests that only 60% of the 2-bed units would generate childcare demand, thus resulting in the proposal to provide 53 no. places.
- 10.4.40. The application considers the demographic profile of the area, including only a marginally higher proportion of creche-going aged population compared to the rest of the city. It also predicts that this is likely to decrease in accordance with demographic forecasts. It outlines that the Mahon area includes 7 no. existing childcare facilities with a theoretical spare capacity of 163 no. places, as well as the almost completed facility (60 places) adjoining the application site (ABP Ref. 301991-18 refers).
- 10.4.41. I acknowledge that the applicant's assessment was prepared in June 2022. However, I consider that it presents a reasonable assessment of prevailing childcare

requirements. On that basis and given that a large proportion of the proposed units are unlikely to generate childcare demand, I am satisfied that the proposal for 53 no. spaces is acceptable in this case.

Communal Amenity Space

10.4.42. The CCDP standards for communal open space refer to those outlined in Appendix 1 of the Apartments Guidelines. Based on those standards, the proposed development would require a total of 3,075m² communal open space. The proposed development would exceed this requirement through the provision of 3,470m², comprising ground/podium level spaces mainly in courtyard-type arrangements immediately adjoining and/or enclosed by the proposed apartments. All communal open spaces will be suitably accessible, designed, landscaped, and overlooked, and I am satisfied that the proposals include a suitable range of areas and play areas to cater for a range of ages and needs.

Separation Distances

10.4.43. Section 11.101 of the CCDP recognises that a minimum separation distance of 22m between the rear elevations of buildings was traditionally required. However, it also acknowledges that best practice has since evolved, and lesser separation distances are often appropriate, particularly in an urban context, subject to design solutions and site-specific context.

10.4.44. The Board will note that, consistent with the NPF preference for performance-based standards and a range of tolerance (NPO13), the Apartments Guidelines do not apply the 22m standard and advise against blanket restrictions on building separation distance. It highlights a need for greater flexibility in order to achieve significantly increased apartment development in cities and points to separate guidance to planning authorities as outlined in the Building Height Guidelines.

10.4.45. More recently, the Compact Settlement Guidelines outline that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. SPPR 1 states that development plans shall not include an objective in respect of minimum distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential

development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. However, it also states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

10.4.46. Having regard to the foregoing, it is clear that both local and national policy allows for appropriate flexibility in separation distances. The proposed development generally allows for generous separation distances between the proposed apartments, and I am satisfied that there would be no directly opposing windows within 16 metres. Suitable design measures have also been included to prevent any significant overlooking in relation to Block 12 (proposed offices) and the commercial blocks (16 & 17) proposed under a separate application.

10.4.47. In relation to existing residential amenity, I note that potential impacts are limited to the existing properties along Longshore Avenue to the south and east of the development. The apartment blocks in 'The Sanctuary' complex to the north are more than 50 metres from any of the proposed blocks and would not be significantly impacted.

10.4.48. Longshore Avenue provides an obvious buffer between the existing and proposed properties. This ensures that a generous separation distance of more than 25 metres is generally provided. The proposed building heights have also been kept lower opposite the existing dwellings. Block 15 will be 5-6 storey opposite the existing 3-4 storey blocks at The Haven. Block 14 will mainly be limited to 4-storey facing the rear facades of the 2-storey housing in Long Shore Drive.

10.4.49. Therefore, having considered the separation distance and height of the proposed development as it relates to the existing residential properties, I am satisfied that there would be no significant overlooking or overbearing impacts.

Public Open Space

10.4.50. Table 11.1 of the CCDP outlines that, apart from in exceptional circumstances, public open space for residential developments (general provision) will normally be required at a rate of 10% of the site area. It also states that the standard is 15% for

‘Greenfield Sites / Areas 15% for which a local area plan is appropriate’. The planning authority has assessed the proposal on the basis of a 10% requirement and is satisfied that the proposal (4,350 sqm or 12.3%) would exceed this requirement.

10.4.51. In terms of national policy, Policy and Objective 5.1 of the Compact Settlements Guidelines outline that statutory development plans shall include an objective(s) for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. The Guidelines also allow for variations on this standard depending on the nature of the site.

10.4.52. According to the submitted ‘site layout plan’, I note that three separate public open spaces are proposed to provide a cumulative total of 4,350m² or c. 12% of the net site area. The proposed spaces are varied in terms of size and nature and are suitably located to integrate into the proposed development. Accordingly, I am satisfied that proposals are acceptable in accordance with the CCDP and national guidance standards.

Conclusions on Residential Amenity

10.4.53. As outlined in the foregoing, I have considered the location, nature, scale, design, and layout of the proposed development and how it relates to existing dwellings. I have reviewed the applicant’s Housing Quality Assessment and the associated plans and particulars, and I am satisfied that the information provided regarding floor areas, dimensions, and aspect etc. is reflective of the scheme. Subject to conditions, I am satisfied that the proposed development would provide a suitable mix of units that would provide an acceptable level of residential amenity for the prospective occupants, supported by an appropriate level of communal services and facilities. I am also satisfied that the development would not significantly impact on existing dwellings by reason of privacy or overbearing. Accordingly, I am satisfied that the proposals are consistent with the requirements of the Development Plan and national policy and guidance.

10.4.54. Further assessment of residential amenity will be outlined separately in other sections of this report, including sections 10.5 (Daylight and Sunlight) and 10.6 (Traffic and Transport).

10.5. Daylight and Sunlight

Policy

- 10.5.1. Objective 11.4 of the Development Plan states that all habitable rooms within new residential units shall have access to appropriate levels of natural / daylight and ventilation and that applications should be supported by a daylight and sunlight design strategy. The potential impacts of the proposed development on the amenities enjoyed by adjoining properties will need to be assessed in relation to all major schemes and where separation distances are reduced below those stipulated.
- 10.5.2. Section 11.96 of the Plan states that development shall be guided by the principles of the BRE Guide (2011) and any updated guidance. A daylight analysis will be required for all proposed developments of more than 50 units. Assessments should utilise best practice tools, such as BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' to satisfy minimum standards of daylight provision. In doing this it is very important that all measures of daylight and sunlight are assessed.
- 10.5.3. In terms of national policy/guidance, I note that the Apartments Guidelines and the Building Height Guidelines highlight the need for appropriate design in relation to daylight and sunlight and reference the same guidance/standards outlined in the previous paragraph. The Compact Settlement Guidelines provide updated guidance, and these Guidelines take precedence having regard to section 2.2 thereof.
- 10.5.4. The Compact Settlement Guidelines state that, where a detailed technical assessment is necessary, regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development. Poor performance may arise due to design constraints associated with the site or location and there is a need to balance that assessment against the desirability of achieving wider planning

objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Information and Assessment

- 10.5.5. Volume IIIc (Appendices) in the EIAR includes a Sunlight and Daylight Access Analysis. Having regard to the evolving nature of policy/guidance on this matter, the applicant's analysis takes account of a range of standards which will be discussed in the following sections.
- 10.5.6. However, notwithstanding that the CCDP refers to earlier guidance/standards in the form of the 2011 BRE guide (2nd edition) and BS 8206-2: 2008, I note that it also includes reference to 'any updated guidance' which would allow for consideration of the more recent guidance outlined in the applicant's analysis. Similarly, the standards/guidance referenced in national guidelines (i.e. Compact Settlement Guidelines, Apartments Guidelines, and Building Height Guidelines) allow for flexibility in considering other guides that are 'like' those referenced therein.
- 10.5.7. In conclusion, I consider that the applicant's analysis has appropriately addressed the evolving nature of guidance and standards relating to daylight and sunlight. The methodology employed for the assessment is suitably robust and is based on documents that are considered authoritative on the issues of daylight and sunlight. Therefore, I consider it appropriate to apply these standards in my assessment. I also note that a cumulative assessment of other permitted developments has been carried out.
- 10.5.8. At the outset, I would also highlight that the standards described in the BRE guide allow for flexibility in terms of application. Paragraph 1.6 of the guide states that the advice given '*is not mandatory*', '*should not be seen as an instrument of planning policy*', and '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'. The guide notes that other factors that influence layout include considerations of views, privacy, security, access, enclosure, and microclimate etc.

Sunlight to existing dwellings

- 10.5.9. Section 3.2.13 of the BRE Guide (2022) outlines that sunlight to living rooms of an existing dwelling with a main window facing within 90° of due south may be adversely

affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH) and less than 0.80 times its former annual value, or less than 5% of APSH between 21 September and 21 March and less than 0.8 times its former value during that period, and also has a reduction in sunlight received over the whole year greater than 4% of APSH.

- 10.5.10. In applying the above test, the applicant's analysis identified that the majority of opposing windows did not face within 90° of due south. Only windows within 'The Sanctuary' did so and 11 such ground level windows were assessed to give a worst-case scenario. However, even under the cumulative assessment of other developments, all 11 windows would achieve 25% APSH, incl. 5% APSH in winter. Accordingly, I am satisfied that these windows would retain sufficient sunlight in accordance with BRE standards.

Sunlight to existing amenity areas

- 10.5.11. Section 3.3.17 of the BRE Guide (2022) outlines that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 10.5.12. The applicant's analysis considers the impact on 12 existing gardens along Longshore Avenue. However, even with the proposed development and the cumulative impact of other permitted developments, well in excess of 50% of all 12 spaces would achieve the required 2 hours on 21st March. The gardens would retain excellent levels of sunlight compared to the 'existing' situation, with even the most affected space retaining 0.95 times its former value. Accordingly, I am satisfied that these spaces would retain sufficient sunlight in accordance with BRE standards.

Daylight to existing dwellings

- 10.5.13. Section 2.2.23 of the BRE Guide (2022) suggests that the diffuse daylighting of an existing building may be adversely affected if any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal. This will be the case if either the Vertical Sky Component (VSC)

measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value, or the area of the working plane in a room (where room layouts are known) which can receive direct skylight is reduced to less than 0.80 times its former value. Section 2.2.4 of the BRE Guide also outlines that loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window.

10.5.14. The applicant's assessment considers the cumulative impact of the proposed and permitted developments on 95 no. lower-level windows in the adjoining residential developments to the north, east and south. Having reviewed the applicant's results, I note that 55 (or c. 58%) of the 95 windows would not be adversely affected in accordance with the BRE standards outlined above. And while 40 no. windows may be adversely affected according to the BRE standards, I am satisfied that the scale of impacts would be only marginal. For example, of these 40 windows, only 4 (or 10%) would experience a VSC reduction to less than 0.7 times their former value, and none would be reduced to less than 0.6 times their former value. These lower-level windows would also present a 'worst-case' scenario and upper level windows would not experience significant effects, thereby ensuring a much higher level of overall compliance.

10.5.15. Ultimately, the BRE Guide acknowledges that the application of a requirement for 27% Vertical Sky Component will not be appropriate in all contexts and Appendix F discusses setting alternative target values. Having regard to this and the marginal rate of non-compliance with the aforementioned targets, together with the need to achieve appropriate levels of density at this location, I am satisfied that the proposed development would not result in any unacceptable daylight impacts for existing dwellings.

Daylight access to permitted residential development

10.5.16. The applicant's analysis also considers daylight access within ground floor units of sample blocks 7 & 8 of the residential development permitted under ABP Ref. 301991-18 (as amended by ABP-310378-21) with reference to Daylight Factor. The BRE Guide (2022) references BS EN 17037: Daylight in Buildings and recommends that at least 50% of a horizontal reference plane (at 0.85 m) achieve the following

daylight factors for each room type in existing buildings located at a similar latitude to Cork City: 0.7% daylight factor for bedrooms, 1.1% daylight factor for living rooms and 1.4% daylight factor for kitchens. As part of this assessment, the applicant also assessed daylight access using Average Daylight Factor (ADF). At paragraph 2.1.8, the second edition BRE Guide (2011) states as follows in relation to daylight access within new development: “BS 8206-2 Code of practice for daylighting, recommends an ADF of 5% for a well daylit space and 2% for a partly daylit space. Below 2% the room will look dull and electric lighting is likely to be turned on. In housing BS 8206-2 also gives minimum value of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.”

10.5.17. The results (including cumulative impacts) indicate that 14 out of 14 (100%) of the sample rooms are likely to achieve the ADF recommendations set out in the 2nd edition BRE Guide of 2011 (a standard of 2% ADF was applied to mixed function rooms). Similarly, all of the sample rooms are likely to achieve the Daylight Factor recommendations set out in the third edition BRE Guide of 2022 (a standard of 1.4% Daylight Factor was applied to mixed function rooms).

10.5.18. Accordingly, I am satisfied that construction of the proposed development is unlikely to result in any undue adverse impacts on the potential of the permitted development to achieve an adequate standard of daylight within the meaning of the BRE Guide.

Sunlight to proposed open spaces

10.5.19. Section 3 of the BRE Guide (2022) outlines that, for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours sunlight at the equinox. The applicant's analysis considers this requirement for the 3 public open spaces and the 4 communal open spaces. It demonstrates that at least 50% of all 7 spaces would be capable of receiving two hours of sunlight on 21st March. The main central public open space would achieve an excellent proportion of 99.1%, while the smaller spaces associated with Blocks 12 and 13 would achieve a maximum proportion of 100%. Accordingly, I am satisfied that the proposed open spaces would achieve good levels of sunlight in compliance with BRE standards.

Daylight access within the proposed development

- 10.5.20. The applicant's analysis notes that the Apartments Guidelines and the Building Height Guidelines provide that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide (2nd edition) or BS 8206-2: 2008. However, it also acknowledges that BS 8206-2: 2008 was withdrawn in May 2019 and was replaced with EN 17037: Daylight in Buildings in May 2019, and that the second edition of the BRE guide was replaced with a third edition (June 2022) which references BS EN 17037. And in Ireland, IS EN 17037: Daylight in Buildings was published by the National Standards Authority of Ireland (NSAI) on 28th January 2019. The analysis notes that these documents set out different methodologies for assessment of daylight access within buildings, as well as different minimum standards, and states that this has resulted in uncertainty as to which standard should be applied in assessments.
- 10.5.21. Having regard to the above, the applicant's analysis primarily has regard to the BRE guide (2nd edition) and BS 8206-2: 2008, as well as the BRE guide (3rd edition) and BS EN 17037. An analysis of compliance with the Irish standard IS EN 17037 is also included as 'Appendix A' in the interests of completeness. I am satisfied that this provides a comprehensive analysis of relevant standards.
- 10.5.22. The application analyses rooms at the lowest level of each block, as well as a representative sample of higher levels, and includes rooms where lower levels of daylight might be expected. The results were then used to estimate the total units within the proposed development achieving the recommendations of the BRE Guide.
- 10.5.23. The BRE Guide (2nd ed) states daylight provision in new rooms may be checked using the average daylight factor (ADF) and that BS 8206-2: 2008 recommends a minimum value of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. While not expressly discussed in the BRE Guide (2011), Section 5.6 of BS 8206-2: 2008 states that multi-function rooms should apply the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%. Consistent with this approach, the applicant's analysis applies a standard of 2% ADF for mixed function rooms.
- 10.5.24. Based on the above standards the applicant's results indicate that 120 of the 120 sample rooms (100%) studied will achieve levels of daylight access at or above the

minimum ADF. And on the basis of these being 'worst-case' lower-level rooms, the results suggest that 100% of the 489 no. units are likely to achieve the ADF recommendations.

- 10.5.25. In relation to the 3rd edition BRE guide and BS EN 17037, the application notes that the National Annex attached to BS EN 17037 concludes that the recommendations for daylight provision in a space may not be achievable for some buildings, particularly dwellings. The BS EN 17037 goes on to recommend that at least 50% of a horizontal reference plane (at 0.85 m) achieve the following target illuminances for each room type: 100 lux for bedrooms, 150 lux for living rooms and 200 lux for kitchens (Method 2). Recommended daylight factor (Method 1) standards vary depending on the latitude of the studied location. As Cork City is located at a latitude of 51.89°N, the recommendations of BS EN 17037 and the third edition BRE Guide for London (51.15°N) were considered to represent a conservative approach and have been applied in the applicant's analysis. Specifically, it applies the following minimum standards (to be achieved over 50% of the horizontal reference plane): 0.7% daylight factor for bedrooms, 1.1% daylight factor for living rooms and 1.4% daylight factor for kitchens. Consistent with the BRE recommendations, the 1.4% standard is also applied to multi-function rooms.
- 10.5.26. Based on the above standards, the applicant's analysis outlines that 114 of the 120 sample rooms (95%) are likely to achieve the ADF recommendations. Only 6 no. rooms on Floor G3 of Block 15 were unlikely to achieve the minimum daylight standards, but I note that all 6 rooms would still achieve reasonable levels of compliance (i.e. at least over 40% of the horizontal reference plane). The applicant's analysis concludes that this issue was unlikely to occur in corresponding units on the floors above. Accordingly, the analysis suggests that 99% of the 489 no. units proposed are likely to achieve the recommendations of the third edition of the BRE Guide with regard to Daylight Factor (Method 1).
- 10.5.27. As previously outlined Appendix A of the applicant's report discusses compliance with IS EN 17037: 2018 in the interests of completeness. Under a minimum scenario, IS EN 17037 recommends a target illuminance of 300 lux across 50% of a reference plane (a horizontal plane 0.85 m above the ground within a studied room) and a minimum target illuminance of 100 lux across 95% of that reference plane (Table A.1 for vertical windows). Based on daylight factor and cumulative daylight

availability (i.e. Method 1), this corresponds to a recommendation to achieve 2.0% daylight factor across 50% of the reference plane and 0.7% daylight factor across 95% of the reference plane (see Table A.3 for Ireland, Dublin).

- 10.5.28. Based on the above standards, the applicant's results indicate that 47 of 120 (39%) of sample rooms are likely to achieve the recommendations set out in IS EN 17037: 2018 for Method 1 / Daylight Factor analysis. However, I would highlight that IS EN 17037 does not identify daylighting targets for specific room types within residential development and I consider that it would be very difficult to achieve for domestic rooms in an urban environment.
- 10.5.29. The applicant's analysis acknowledges that Section 3.2 of the Building Height Guidelines outlines that *'Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives'*. I note that the Apartments Guidelines include similar compensatory provisions, although the Compact Settlement Guidelines do not.
- 10.5.30. In this regard, Appendix A of the applicant's 'Planning Statement & Response to An Bord Pleanála's Opinion' outlines specific 'Sunlight and Daylight Commentary', including the question of compensatory measures. It outlines the challenges associated with applying the IS EN 17037 standard, particularly for single aspect units. It concludes that the impact of the alternative adoption of IS EN 17037 is likely to be significant changes to the depth and form of residential buildings, which are likely to have an adverse impact on density and economic viability of apartments, which I would accept as previously discussed.
- 10.5.31. It also outlines that compensatory measures have been incorporated into the design of the proposed development, to offset any perceived shortfalls in daylight performance. In relation to the scheme as a whole, the main measures proposed can be summarised as follows:

- Units are on average c. 11% above minimum required areas;

- 58.7% of proposed residential units have internal floor areas that are 10% or more above the minimum required floor area;
- The potential 5% reduction in room widths & sizes that is allowed by the Apartments Guidelines has not been applied in any area;
- Private Amenity Spaces are on average c. 45% higher than the required minimum;
- 73.4% of proposed residential units have private amenity areas that are 10% or more above the minimum required private amenity area;
- 50.7% of the proposed residential units are dual aspect;
- All external windows are a minimum of 2.4metres high, with higher windows provided for in some ground floor areas;
- All units exceed the minimum floor to ceiling height of 2.4metres, with units on typical building levels generally having a floor to ceiling height of 2.55metres. The floor to ceiling height in ground floor units varies from 2.7metres to 3.7metres;
- An Internal Residents' Amenity area is included, which is not required in a 'Built to Sell' development;
- The total area of external communal amenity space and public open space is in excess of the required areas.

10.5.32. The applicant's commentary also outlines compensatory factors on a 'unit by unit' basis for all units (and similar units) that would not comply with the ISEN 17073 standard. All such units would benefit from 'unit floor areas' and 'private amenity area' in excess of the minimum standard, as well as a range of other compensatory measures. However, given that I would not recommend applying the ISEN 17073 standard, I would draw the Board's attention to the 6 no. units on Floor G3 of Block 15 which are predicted to fall short of the standards outlined in the 3rd edition BRE guide and BS EN 17037 (including the National Annex). These are summarised in the following table:

Table 2 – Compensatory measures for Floor G3 of Block 15

Zone	Excess unit floor area	Excess private amenity area	Direct access to communal space	Overlooks Communal space	Overlook Public Open Space	Own Door Access Option	Dual Aspect
15	Yes	Yes					
16	Yes	Yes			Yes		
17	Yes	Yes			Yes		
27	Yes	Yes	Yes	Yes		Yes	Yes
28	Yes	Yes	Yes	Yes		Yes	
33	Yes	Yes	Yes	Yes		Yes	

10.5.33. In conclusion, I would state that the 6 no. rooms constitute only a minimal proportion (i.e. c. 1%) of the overall rooms in the proposed scheme. I note that all 6 rooms are multi-function rooms where the higher target of 1.4% daylight factor has been applied. This target is more appropriate in a traditional house layout. In apartment developments, it is a significant challenge for large open plan rooms to achieve, and even more so when higher density and balconies are included. Therefore, there are often challenges in urban schemes in meeting a 1.4% target in all instances. Nonetheless, the application demonstrates a reasonable level of compliance in the 6 rooms (at least 40% of the horizontal reference plane).

10.5.34. Furthermore, compensatory measures are included to address any perceived shortfall in performance, and I consider that this satisfactorily addresses the requirement for such measures as outlined in the Apartments Guidelines and the Building Height Guidelines (Section 3.2). I also consider that any performance shortfalls would be attributable to the increased height and density of the development, which I consider to be appropriate having regard to wider planning objectives relating to compact, sustainable development at such locations.

Conclusions on Daylight and Sunlight

10.5.35. I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. And while the Apartments Guidelines and the

Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like those referenced in this section of my report, where it has been identified that a proposal does not fully meet the requirements of the daylight provisions and a rationale for alternative, compensatory design solutions has been set out, the Board can apply discretion having regard to local factors including site constraints and the need to secure wider planning objectives. The overriding Compact Settlement Guidelines also highlight the need to balance the assessment against the desirability of achieving wider planning objectives, and do not specify a requirement for alternative compensatory design solutions.

10.5.36. I am satisfied that the applicant has carried out a competent assessment of impacts on the proposed development and neighbouring properties in accordance with the relevant guidance and methodology.

10.5.37. I have identified the instances where the impacts would not meet with BRE criteria, both for existing properties and the proposed development. However, I have highlighted that these instances are extremely limited and justified by the need to achieve an appropriately high-density development at this location in accordance with local and national policy. Where relevant, I am satisfied that acceptable compensatory measures have been incorporated into the design and layout of the scheme. Therefore, in balancing the results of this daylight/sunlight assessment, I am satisfied that the impacts are acceptable given the need to achieve wider planning objectives relating to compact, sustainable development at locations such as this which benefit from existing and planned public transport services.

10.6. Traffic and Transport

Submissions received and policy

10.6.1. I note that the application has raised serious concerns from Cork City Council (CCC), the National Transport Authority (NTA), and Transport Infrastructure Ireland (TII). In summary, the concerns relate to excessive car dependence and traffic generation and the adverse impact this would have on the capacity of the N40 Mahon Interchange junction, both in terms of efficiency and safety. These parties generally contend that the proposed development is not supported in the absence of greater

clarity and certainty on the timing and phasing of planned public transport and active travel measures to serve the area.

- 10.6.2. I have considered relevant CCDP objectives relating to national roads, including the following:

Objective 4.7 Protection of National Roads – To protect the strategic transport function of national roads, including motorways through the implementation of the ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations. No new accesses will be permitted where a speed limit greater than 50-60 kph applies. For existing developments with current access outside the defined speed limits, proposals for expansion of same must be accompanied by a Traffic and Transportation impact assessment. Proposals for new developments and intensification of existing developments within speed control zones must also be accompanied by a Traffic and Transportation assessment.

Objective 4.8 Mitigation of Adverse Impacts on Strategic Roads - To safeguard the carrying capacity, operational efficiency and safety of strategic national roads and to require development proposals that would materially impact the capacity of the strategic national road network to mitigate any adverse effects of their development on transport systems and/or infrastructure and make reasonable contributions towards the costs of any required mitigation, alterations or capacity enhancement works to transport systems and/or infrastructure as required.

- 10.6.3. Related to CCDP policy, I note that the ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (2012) aim to achieve and maintaining a safe and efficient network of national roads. The Guidelines highlight that development proposals may generate significant additional trips/travel, including road traffic, with potentially significant implications for national and non-national roads. This could, in some circumstances, necessitate changes to the road and/or junction layout in order to address capacity and road safety concerns and maintain a satisfactory level of service for road users. Large-scale development may also have significant implications for public transport services. Proposals should include ways to reduce the traffic impact of the development.

Traffic Generation

10.6.4. The application is accompanied by a Traffic & Transport Assessment (TTA) which considers the impact of the proposed development and cumulative impact of other developments in the wider masterplan area (15,000m² office units, 165-bed hotel, and creche). I acknowledge that the TTA was prepared in 2022 but I am satisfied that it adequately accounts for future traffic growth and still provides a reasonable basis for the assessment of the application.

10.6.5. Chapter 9 of the TTA assesses the impact of the traffic generated by the development on the local road network based on the guidance within TII's Traffic and Transport Assessment Guidelines (2014). The following scenarios have been included within the modelling:

- Opening year – 2024 (with the proposed development)
- Opening year + 5 years – 2029 (with the proposed development)
- Opening year +15 years – 2039 (full masterplan proposals).

10.6.6. The base traffic flows were established using classified traffic surveys undertaken in June 2017 over a three-hour morning period (07:00-10:00) and three-hour evening period (16:00-19:00) at a number of junctions in the vicinity of the site. They are as follows:

1. Mahon Interchange (southern junction);
2. Mahon Interchange (northern junction);
3. Mahon Point Shopping Centre/Mahon Link Road;
4. St. Michael's Drive/ Mahon Link Road; and
5. Mahon Link Road/ Skehard Road.

10.6.7. In order to establish the level of traffic likely to be generated by the development, trip rates from the TRICS database were used. A 'proposed modal split' was then applied based on existing modal share and anticipated changes. The total 'vehicle trip generation' for the proposed development is predicted to generate 75 arrivals and 112 departures in the AM Peak and 188 arrivals and 126 departures in the PM Peak. The full masterplan is predicted to generate vehicle trips amounting to 205 arrivals and 159 departures in the AM Peak and 164 arrivals and 233 departures in

the PM Peak. The generated traffic has been distributed onto the surrounding road network based on the origin/destination to work data obtained from 2016 Census POWSCAR data. The TTA also considers traffic growth rates for future scenarios using the TII Project Appraisal Guidelines, as well as other 'committed' development in the form of extant permissions (including the 437 units granted under SHD application ABP 301991-18, as amended by ABP 310378-21).

10.6.8. A threshold analysis was undertaken on all junctions across the study area to compare the base & committed traffic flows against the base & proposed development traffic flows. It is normal practice that any junction with a predicted 5% increase due to a proposed development would be modelled and tested. The threshold analysis considers the proposed development against the 2024 base and the full masterplan against the 2039 base. In both cases, the threshold analysis demonstrates that (apart from the Jacob's Island Access, which would understandably experience significant change) only the North and South Mahon Interchange junctions require to be included within the junction assessment.

10.6.9. Analysis of the performance of the junctions were undertaken using the JCT Consultancy Ltd software LinSig v.3, with the results of the analysis presented in terms of percentage degree of saturation (DoS%) with the corresponding predicted mean maximum queue (MMQ). The Practical Reserve Capacity (PRC) is presented within the results as a measure of how much additional traffic could pass through the junction while maintaining a maximum degree of saturation of 90% on all links.

10.6.10. The applicant's assessment concludes that the N40 Mahon Interchange continues to operate with reserve capacity available in all scenarios with the proposed development and estimated masterplan traffic. It states that predicted queuing does not impact the N40 itself and can be accommodated within the slip lane lengths available for both the eastbound and westbound off-slips. For 2024, the proposed development results in an additional 8 PCU's on the eastbound off-slip during the evening peak and no significant increase in queuing in the morning peak. The most notable increase in queue length is recorded as the Mahon Link where an increase of 11 PCU's is noted in the evening peak in 2024 and an increase of 23 PCU's in the evening peak in 2029.

- 10.6.11. The conclusion recommends discussions with the Council in advance of the full masterplan development to perform a review of the signal operations of both junctions, which could reduce queuing by linking the 2 signalised junctions, or by improving the stages or run time. It also states that by the projected opening year (then 2024), several mitigation measures will have been provided including the north-bound bus lane (now in place) which will have been provided as part of the adjacent permitted SHD scheme (ABP 301991-18). It is also expected that the mode share for private car for Jacob's Island will be reduced as a result of COVID-19 and working from home, as well as the outlined mitigation measures. The reduced level of parking for the proposed development is therefore considered adequate to support the development given its key location in relation to active & sustainable travel facilities.
- 10.6.12. It would appear to me that the applicant's conclusion that the interchange continues to operate with reserve capacity is based on the indications that 100% Degree of Saturation (DoS) will not be reached in any instance and that the Southern Interchange will continue to operate with Practical Reserve Capacity (PRC) in all instances.
- 10.6.13. On the other hand, the objections from CCC, TII, and NTA appear to be based on the predicted impacts on the Northern Interchange. The applicant's analysis of PRC for the north interchange can be summarised in the following table.

Table 3 – Predicted PRC for the north interchange

2024				
Scenario	Base traffic + Committed Development		Base traffic + Committed Development + Proposed Development	
Period	AM Peak	PM Peak	AM Peak	PM Peak
PRC	32.4%	1.4%	28.1%	-6.4%
2029				
Scenario	Base traffic + Committed Development		Base traffic + Committed Development + Full Masterplan Development	

Period	AM Peak	PM Peak	AM Peak	PM Peak
PRC	28.9%	-2.3%	22.7%	-10.9%
2039				
Scenario	Base traffic + Committed Development		Base traffic + Committed Development + Proposed Development	
Period	AM Peak	PM Peak	AM Peak	PM Peak
PRC	26.8%	-1.5%	17.7%	-10.6%

10.6.14. As per the above table, I note that the proposed development would contribute to a lack of PRC (-6.4%) in the PM Peak of 2024. In 2029, there would already be a lack of PRC (-2.3%) in the PM Peak and the proposed development would contribute to an exacerbation to -10.9%. Similarly, in 2039, there would already be a lack of PRC (-1.5%) in the PM Peak and the proposed development (as part of the overall Masterplan) would contribute to an exacerbation to -10.6%.

10.6.15. The TTA (figures 56-58) models the Interchange impacts for all assessment years in terms of Traffic Flow (PCU), maximum Queue Length, and available slip length. In all instances it demonstrates that the additional traffic can comfortably be accommodated within the slip lane lengths available for both the eastbound and westbound off-slips. In the vast majority of cases the available slip length will be well in excess of 100 metres. It would be marginally less than 100 metres in just two instances, those being on the eastbound off-slip in the AM Peak in 2024 (93 metres) and the AM Peak in 2039 (99 metres).

10.6.16. Having regard to the foregoing, I consider it important to distinguish between the question of 'congestion' and 'capacity'. I acknowledge that the proposed development would contribute to the DoS exceeding 90%, which indicates that the junction would be 'congested' in accordance with criteria outlined in the LinSig modelling system and the TII Traffic and Transport Assessment Guidelines (2014). However, it would not exceed 100% DoS and accordingly I do not consider that it would be 'over capacity'. I acknowledge that there would be instances of there being

no PRC, although it should be acknowledged that this is inextricably linked to an aim of maintaining 90% DoS. Furthermore, these instances of 'no PRC' are generally predicted to occur in any event, although it is acknowledged that the level of reserve capacity would be further reduced by the proposed development.

10.6.17. I accept that congested junctions should be discouraged, particularly along national roads such as the N40 in accordance with the aforementioned local and national policies. However, given that any additional queuing can be comfortably accommodated in this case, I do not consider that the principle of the proposed development should be rejected solely on grounds of traffic congestion. I note that CCC has rejected the applicant's suggestion that traffic impacts could be mitigated by signalling and timing revisions, which is effectively based on a position that arrangements had been maximised for existing traffic levels in 2022. However, I consider that this position warrants reinvestigation given the significant passage of time since the CCC submission and the need to reconsider junction arrangements in the context of predicted traffic levels as opposed to the baseline 2022 levels. This could be achieved and agreed through a condition of any permission. Furthermore, I consider that other relevant and/or mitigating factors should be considered as outlined in the following sections.

Road Safety

10.6.18. The application is accompanied by a Quality Audit which includes a Road Safety Audit (RSA). The RSA identified a range of problems which generally relate to the proposed internal site roads and associated impacts on the adjoining Longshore Avenue. I am satisfied that this has adequately assessed the safety implications of the proposed development and that the recommended solutions have been satisfactorily accommodated within the proposed scheme.

10.6.19. Problem 4.3.2 highlights that congestion at junction 10 of the N40 may increase the risk of vehicle/pedestrian and vehicle/cyclist collisions. It recommends a detailed assessment of the junction's performance, including future year assessments (i.e. +5 and +15 years), and to ensure robust measures to accommodate the increased vehicle, pedestrian and cyclist volumes generated by the proposed development.

10.6.20. In response to the above, the RSA Feedback Form outlines that a TTA has been undertaken and that there no evidence of traffic queuing across the crossings. It also

highlights that street lighting is provided at this junction which should alleviate any potential issues with darkness in winter periods.

- 10.6.21. Having regard to the results of the TTA as previously outlined, including the capacity of the existing road network to comfortably accommodate any additional queuing generated by the proposed development, I do not consider that the proposed development would result in any unacceptable traffic safety concerns for motorists, pedestrians, or cyclists.

Walking and Cycling

- 10.6.22. The TTA outlines that the proposed development would benefit from excellent connections to the River Lee/Lough Mahon Waterfront Greenway and the Passage West Greenway, while there are also existing pedestrian facilities for shorter trips to Mahon Point Shopping Centre, Mahon Retail Park and general employment centres on Mahon Link Road and Bessboro Business Park.
- 10.6.23. The River Lee/Lough Mahon Waterfront Greenway and the Passage West Greenway also provide excellent cycle facilities, with the Passage West Greenway being an A-rated cycle facility. Cycle tracks are provided on both sides of the Mahon Link Road from the Skehard Road to the Mahon Interchange. The existing cycling catchment to and from Jacob's Island is shown in Figure 19 of the TTA, which shows that Cork City Centre is within a 30-minute cycle from the central portion of Jacob's Island, primarily on a safe and dedicated greenway.
- 10.6.24. Accordingly, I consider that the site benefits from good pedestrian and cycle linkages, both in terms of links to local facilities in the Mahon Area as well as wider areas including the city centre. The Quality Audit has also included a Walkability Audit and a Cycle Audit. It has identified a range of issues, and I am satisfied that the recommendations are appropriate and have been suitably incorporated into the proposed scheme.

Public Transport

- 10.6.25. The TTA outlines that the site is served by the 215 and the 215A services, which operate at a 15-minute combined frequency. It is also within walking distance (c. 750m) of the Mahon Point bus stop where the 202/202A route runs at a combined frequency of 10 mins. Less frequent services (every hour) include the 212 (Kent

Station) and the 219 (Southern Orbital). I can confirm that these services and frequencies are still consistent with the current timetable.

- 10.6.26. Based on these services, the public transport catchment to and from Jacob's Island is illustrated in Figure 25 of the TTA. This demonstrates that the city centre area is within a 30-minute travel time, whilst the major employment areas in Mahon are within a 10-minute travel time.
- 10.6.27. In addition to these existing services, I have already classified this location as a 'High Capacity Public Transport Node' based on its proximity to the planned BusConnects 'Core Bus Corridor' stop. Bus route 4 would run at frequencies of 15 mins from 6am to 6pm (Mon – Sat), which would be considered reasonably frequent as per the Compact Settlement Guidelines. The 'Route 1' service from Mahon Point SC would also provide services at higher frequencies (10 mins or better).
- 10.6.28. I note that the submissions on the application have raised concern about a lack of clarity and certainty on the delivery of public transport improvements and the need to phase additional development at this location in tandem with such improvements. I would acknowledge these concerns, and I have already accepted that the proposed Light Rail system does not meet the criteria for 'Planned Public Transport' as per the Compact Settlement Guidelines. However, a considerable period has elapsed since the submissions were made and BusConnects has now completed its third round of public consultation on the eleven proposed Sustainable Transport Corridors (STCs). The consultation documentation outlines that construction of the corridors would take place on a phased basis over 2026-2030. It is envisaged that the new route network would be implemented in advance of this. On this basis, I am satisfied that the BusConnects improvements would be delivered within a reasonable timeframe to accommodate the proposed development. In any case, as already outlined in section 10.3 of this report, I am satisfied that the planned bus service frequency is comparable to the existing services, and I do not consider that the proposed development would be unacceptable in the absence of BusConnects.

Car/Cycle Parking

- 10.6.29. The CCDP sets out four car parking zones for the city. The application site would be within Zone 2, which comprises 'Areas accessible to mass transit (existing or proposed Light Rail Corridor, Core Bus Network)' as well as most City Suburbs,

including Mahon. Table 11.13 sets out maximum standards for residential and non-residential developments in order to constrain car trip generation and promote patronage of active travel and public transport.

10.6.30. The Compact Settlement Guidelines also state that car parking ratios should be reduced at all urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. I have previously concluded that the site is within the 'City – Urban Neighbourhoods' category as per Table 3.1 of the Guidelines. For such locations, SPPR 3(i) requires that car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

10.6.31. A summary of the relevant car parking standards and the proposed development is outlined in the following table.

Table 4 – Assessment of Car-parking standards

Category	CCDP Standard (Max.)	Compact Settlement Guidelines (Max.)	Proposed Development
Apartments	489	489	246
Offices (4,112m²)	27	N/A	69
Creche (380m²)	8	N/A	6
Total	524	489 (Apts only)	321

10.6.32. For the residential element, it is proposed to provide car parking at a rate of 0.5 spaces per apartment, which is c. 50% of the maximum standard. I note that the planning authority recommends a further reduction to a ratio of 0.3 or 147 spaces. However, notwithstanding the inclusion of the site within a 'City – Urban Neighbourhoods' category as per Table 3.1 of the Compact Settlement Guidelines, I have previously highlighted (s. 10.3.13) the 'reasonable' frequency of the planned BusConnects Route 4 serving the site and the walking distance to higher frequency services on planned Route 1. On that basis, I was satisfied that the proposed density is appropriate at the 'mid' point of the recommended range. Applying a similar logic, I

am satisfied that the proposed parking rate would be reasonable at a similar 'mid' range (i.e. 50%) of the maximum parking standard.

10.6.33. It is proposed to provide office parking (69 spaces) at a much higher rate than the maximum CCDP standard (27 spaces). I note that the application attempts to justify this on the basis that the gross parking provision for the entire development would be below the maximum CCDP standards. However, consistent with the CCC recommendations, I consider that the proposals are excessive, and any grant of permission should require a reduction in office parking to 27 no. spaces. This would avoid a material contravention of the CCDP and would be consistent with the Board's approach in granting permission for the office development on the adjoining site (ABP Ref. 314420-22).

10.6.34. In relation to Cycle Parking, the CCDP outlines that facilities shall comply with the standards set out in Table 11.14. SPPR 4 of the Compact Settlement Guidelines also requires a general minimum standard of 1 cycle storage space per bedroom, while visitor cycle parking should also be provided. A summary of the relevant car parking standards and the proposed development is outlined in the following table.

Table 5 – Assessment of cycle parking standards

Category	CCDP Standards		Compact Settlement Guidelines		Proposed Development	
	Long term	Visitor	Long term	Visitor	Long term	Visitor
Apts	244	0	816	Unspecified	819	245
Offices	27	0	N/A	N/A	80	
Creche	2	0	N/A	N/A	4	
Total	273		816		1148	

10.6.35. For the long-term residential element, the proposed development would comply with the Compact Settlement Guidelines and would significantly exceed the CCDP requirements. And for residential visitor parking, I note that the proposal would comply with the recommendations of the Apartments Guidelines by providing 1 space for every 2 apartments. The proposed non-residential cycle parking would also significantly exceed requirements for office and creche units. Subject to the

agreement of detail by condition, I am also satisfied that the design of cycle parking facilities would be acceptable in accordance with CCDP and national guidance standards.

10.6.36. In relation to other parking requirements, I note that:

- 19 no. disabled car parking spaces are proposed, which would represent 6% of the total in compliance with s. 11.241 of the CCDP.
- 34 no. motorcycle spaces are proposed, which would represent 10.6% of the total in compliance with s. 11.244 of the CCDP.
- 54 no. Electric Vehicle spaces are proposed, which would comply with s. 11.242 of the CCDP (i.e. at least 20% of residential spaces and at least 1 space for non-residential developments).

10.6.37. In conclusion regarding car and cycle parking, I am satisfied that, subject to the reduction of office parking as discussed, the proposed development would include an appropriately reduced level of car parking which would be supported by generous cycle parking which would significantly exceed CCDP requirements and comply with national guidance standards.

Mobility Management

10.6.38. The application is accompanied by a Mobility Management Plan (including a Travel Plan) which sets out targets, objectives, and mechanisms which could be put in place to support a positive modal shift. The plan will be revised and developed accordingly once more detailed information regarding the final occupiers becomes available. A modal split is included which aims to further reduce car travel from the shares outlined in Census 2016 (63%) and the TTA (57%), to a lower share of 51%.

10.6.39. Specific Measures in the MMP include the following:

- Appointment of an MMP co-ordinator
- Provision of travel information and marketing
- Provision of 2 'Go-car' car-sharing spaces
- A car parking management strategy
- Promotion of cycle/pedestrian facilities.

10.6.40. I am satisfied that the MMP has been appropriately designed and that it will facilitate the achievement of an improved modal share.

Conclusion

10.6.41. I have acknowledged the concerns raised in submissions and the prevailing local and national policy regarding the protection of the national road network. I would accept that the proposed development would contribute to congestion at the Mahon Interchange, but I consider that this is a common impact associated with urban development. It is noted that similar concerns were raised in other applications at Jacob's Island (ABP Ref. 314420-22 and ABP Ref. 301991-18), but the Board proceeded to grant permission. And while I consider that additional congestion is an acceptable impact, I am also satisfied that the application has demonstrated that the ultimate capacity of the junction will not be exceeded, and any traffic safety issues will be appropriately addressed.

10.6.42. In mitigation of the predicted congestion, I consider that the junction signalling / timing warrants re-investigation through a condition of permission given the significant passage of time since the making of the application and the need to re-consider arrangements in the context of predicted traffic levels. The proposed development would benefit from excellent walking/cycle linkages, as well as existing and planned public transport services in the form of BusConnects. Subject to a condition requiring the reduction of office car-parking, I am also satisfied that the proposed car-parking has been suitably minimised and will be supported by generous cycle parking to compliment the excellent links in the area. The proposed development will also be appropriately managed by an MMP which aims to significantly improve modal shift.

10.6.43. In conclusion, I am satisfied that, subject to conditions, the proposed development has been suitably designed to avoid any unacceptable adverse impacts on the national road network. And while it will result in additional congestion at the Mahon Interchange, I am satisfied that this is acceptable having regard to the wider planning objectives which support the proposed development at this location. In coming to this conclusion, I have had regard to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012) and I am satisfied that there would not be a material contravention of Objective 4.7 or 4.8 of the CCDP.

10.7. Design, Layout, and Visual Impact

Local Policy

- 10.7.1. The CCDP (including Objective 3.5) supports increased residential densities in accordance with the guidance and standards outlined in Chapter 11 (Placemaking and Managing Development). Chapter 11 outlines the Building Height Standards and, notwithstanding the material contravention of Table 11.1, I have already concluded that the proposed development is supported by Objective 10.90 and national policy subject to further assessment.
- 10.7.2. Chapter 11 also outlines specific criteria for 'Assessing Impacts of Tall Buildings'. However, it defines a tall building as a building that is equal to or more than twice the height of the prevailing building height in a specific locality. The prevailing height of the Mahon area is indicated as 2-5 storeys in CCDP Table 11.1. and the maximum height of the proposed development would not reach 10 storeys, as would be required to constitute a 'tall building'. More specifically, the Jacob's Island locality contains the 4 no. existing 8-storey Sanctuary blocks, as well as the recently completed 6-storey Neighbourhood Centre (Block 10) from the permitted development (ABP Ref. ABP Ref. 301991-18 (as amended)). The other 5 permitted blocks within this development range from 6-25 storeys. More recently, the permitted office and hotel development on the adjoining site is up to 10 storeys (ABP Ref 314420-22). Therefore, notwithstanding the lower level (2-4 storey) housing on the southern side of Longshore Avenue, I do not consider that the proposed development includes a 'Tall Building' in the context of this locality and the CCDP definitions.
- 10.7.3. In a more general sense, CCDP Objective 11.3 outlines that Housing Quality and Standards should address the key qualitative aspects outlined in Table 11.10. These aspects are discussed in the following table.

Table 6 – Assessment of CCDP key qualitative aspects for Housing

Layout, Orientation and Form	
A	Having regard to the nature of recent permitted and constructed development, the built form, massing and height of the development is consistent with the surrounding context. Chapter 3 of the EIAR demonstrates that alternative layouts were considered and a justification for the chosen approach is provided.
B	The layout forms a coherent, legible and navigable pattern of streets and blocks, consisting predominantly of perimeter blocks arranged to create and define streets and open spaces. Within the overall Masterplan, the proposed commercial blocks will provide activity along the northern edge of the site, while also providing a buffer between residential development and the N40 road. The proposed development also includes active ground floor uses in the form of offices, creche, residential amenity spaces, open spaces, and own-door units. These arrangements create a sense of activity and security.
C	As outlined in sections 10.4 and 10.5 of this report, the proposed development will provide adequate privacy and daylight. There will be a high proportion of dual aspect units and any single-aspect units will have appropriate views. The views appropriately optimise visual interest over open spaces within the site and in longer views over Lough Mahon. The layout provides clear and convenient routes which are appropriately overlooked to provide safety. There would be no significant noise interference from common areas. Having regard to the application drawings and documents, I am satisfied that the proposed homes will help meet the challenges of a changing climate and that they will be subject to compliance with Building Regulations.
Outside Space	
D	As outlined in section 10.4 of this report, I am satisfied that proposed communal and private amenity spaces are acceptable in terms of quantity and quality.
E	

Usability and Ongoing Maintenance	
F	The experience of arrival to the development is suitably accessible and fit for purpose. The application includes a Building Lifecycle Report which acceptably outlines how the development is designed to facilitate future maintenance.

10.7.4. Further qualitative considerations for the design of apartments schemes are outlined in section 11.92 of the CCDP, to which I would respond as follows:

1. As outlined in section 10.5 of this report, the proposed communal space will exceed minimum standards pertaining to daylight and sunlight.
2. I am satisfied that communal space is equally accessible to all residents and is tenure blind. Apart from Part V provision, there is no apparent difference in tenure across the scheme. Part V is to be provided within Block 11 and it would benefit from good accessibility to communal space.
3. Section 2.5.5 of the EIAR outlines that green roofs will be used. The rooftop spaces will also include photovoltaic panels to optimise energy use.
4. Green roofs can be conditioned to comply with best practice.

National Policy

10.7.5. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in the following table.

Table 7 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	(a) The development includes a hierarchical street network consisting of a primary vehicular loop (Avenue), secondary connections (including permitted Block 10), and parking courts related to each block. The proposed network is permeable, legible, and easy to navigate. As previously outlined in section 10.6 of this report, I am satisfied that the proposal adequately optimises movement for sustainable modes. (b) The proposed development suitably connects to the existing Longshore Avenue and wider road network. It will benefit from good
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	connections to existing and planned bus services, as well as excellent pedestrian and cycle links in the form of the existing greenways. The proposal will improve access to local services and amenities in the wider Mahon area. (c) Active travel measures have been suitably prioritised in the proposed layout. The application includes a DMURS Statement and associated drawings which satisfactorily demonstrate that the principles, approaches and standards set out in DMURS will be implemented, as required under Objective 4.1 of the Guidelines. (d) As previously outlined in section 10.6 of this report, I am satisfied that the quantum of car parking will be suitably minimised.
(ii) Mix and Distribution of Uses	(a) As outlined in section 10.2 of this report, I am satisfied with the proposed mix of uses. (b) City and town centre policy is not applicable. (c) The proposed development suitably caters for local service/amenities which will complement the permitted neighbourhood centre (Block 10) and the wider scale and range of amenities in the Mahon area. (d) As outlined in section 10.3 of this report, the proposed quantum of development promotes intensification. (e) As outlined in sections 10.3 and 10.6 of this report, the proposed development aligns with public transport services. Any grant of permission should be required to align with the planned BusConnects Sustainable Transport Corridors project. (f) As outlined in section 10.4 of this report, I am satisfied with the proposed mix of house types.
(iii) Green and Blue Infrastructure	(a) As outlined in sections 11 and 12.7 of this report, I am satisfied that the proposal protects and enhances important natural features (habitats and species) within and around the site; avoids the degradation of ecosystems; and includes suitable measures to mitigate against any potential negative ecological impacts. (b) The proposal includes an integrated network of multifunctional and interlinked urban green spaces, including a large central public space, smaller public open spaces/plazas, and communal open spaces for each block.

	(c) The proposal suggests a range of SUDS measures including landscaping filtration, petrol and oil interceptors, non-return valves, tree pits, swales, and soakaways. It confirms that measures will be implemented in accordance with local authority requirements. (d) Section 2.5.5 of the EIAR outlines that green roofs will be used.
(iv) Public Open Space	(a) The development will benefit from proximity to Joe McHugh Park and the Lea to Sea greenways. Any grant of permission will also require a section 48 financial contribution towards Class 3 (parks, recreation, amenity and community facilities). (b) As outlined in section 10.4 of this report, I am satisfied that public open space proposals are satisfactory in terms both quantity and qualitative design.
(v) Responsive Built Form	(a & b) The proposed development should be viewed in the context of the overall Masterplan. Landmark 'bookend' buildings have already been permitted in the form of a 25-storey tower (ABP-301991-18) and a 10-storey hotel (ABP-314420-22). At the heart of the site, a 9-storey pavilion block (Block 13) bookends the park and acts as a central focal point for the neighbourhood. Increased building height (7 storeys) also frames the remainder of the central open space and the main avenue through the site. At the northern end, an 8-storey residential gable (block 11) addresses the bus stop and access to the existing Sanctuary buildings and other permitted SHD blocks. Longshore Avenue is defined by smaller volumes with increased height to address the prominence of the roundabout. I am satisfied that this will create a legible and coherent urban structure which responds in a positive way to the established pattern and form of development. (c) The proposal will strengthen the overall urban structure and will successfully link with existing and permitted development. The proposed development would provide infill development on the last remaining site on the peninsula. Therefore, there are no opportunities to create significant new linkages for future development. (d) The proposed commercial blocks will provide activity along the northern edge of the site. The proposed development also includes active ground floor uses in the form of offices, creche, residential amenity spaces, open spaces, and own-door units.

	(e) The proposal embraces modern architecture and urban design using simple architectural language for the residential blocks to act as a backdrop to the public realm. The office block is designed as the articulation of three simple brick volumes which address the proposed avenue, the N40 road, and the bus stop/Sanctuary buildings. The proposed development will be complemented by the other permitted landmark blocks and will enhance local distinctiveness. (f) A distinctive and resilient palette of materials has been chosen to compliment those of the existing and permitted buildings. Brick, render, and precast concrete have been chosen for their durability as well as visual interest, with different colours of brick being used to highlight and contrast specific blocks or respond to the local context. Metal balconies and balustrades will bring additional grain to the residential elevations. A lightweight metal frame is proposed on the facade of Block 13 overlooking the park, and winter gardens set in a metal frame will add depth to the facade of Block 15 facing Mahon and the N40. I am satisfied that the materials and finishes will successfully respond to local character and will be highly durable as outlined in the Building Lifecycle Report.
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10.7.6. As previously outlined, section 3.2 of the Building Height Guidelines also outlines criteria to be satisfied. The majority of these criteria have already been discussed in the other sections of this report. Therefore, references will be made to the relevant sections in the consideration of the criteria in the following table.

Table 8 – Criteria as per Section 3.2 of the Building Height Guidelines

At the scale of the relevant city/town
- As outlined in sections 10.3 and 10.6 of this report, I am satisfied that the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. - This is not an architecturally sensitive area. Based on my assessment as outlined in Table 7 of this report, I am satisfied that the proposal will successfully integrate into/enhance the character and public realm of the area. Chapter 4 of the EIAR

outlines a Townscape and Visual assessment and I am satisfied that there will be no unacceptable impacts (see section 12.13 of this report).

- Based on my assessment as outlined in Table 7 of this report, I am satisfied that the proposal makes a positive contribution to place-making. It incorporates new streets and public spaces and uses massing and height to achieve the required densities. It also includes sufficient variety in scale and form to respond to the scale of existing and permitted adjoining developments and to create visual interest in the streetscape.

At the scale of district/ neighbourhood/ street

For the reasons as outlined in Table 7 of this report, I am satisfied that the proposed development:

- Responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.
- Avoids a monolithic appearance through sensitive massing of blocks with variations in building height, building lines, finishes, and materials.
- Enhances the urban design context for public spaces, key thoroughfares, and the Lough Mahon frontage. As outlined in section 12.9 of this report, the application includes a Flood Risk Assessment (FRA) which has been carried out in accordance with the OPW Publication “The Planning System and Flood Risk Assessment Guidelines for Planning Authorities”. The proposed development would be located within Flood Zone C where the development would be deemed ‘appropriate’.
- Makes a positive contribution to the improvement of legibility through the site and wider urban area and integrates in a cohesive manner.
- Positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

At the scale of the site/building

As outlined in Section 10.5 of this report, I am satisfied that:

- The form, massing and height of the development has been carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

- Appropriate and reasonable regard has been taken of quantitative performance approaches to daylight provision outlined in guides 'like' the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
- The application has clearly identified the limited instances where the proposal may not be able to fully meet all the requirements of the daylight provisions above. A satisfactory rationale for alternative, compensatory design solutions has been set out and I am satisfied that the proposals are acceptable having regard to the need to achieve wider planning objectives relating to compact, sustainable development at locations which will benefit from existing and planned public transport services.

Specific Assessments

- The EIAR includes a Wind and Microclimate Study which has been considered and analysed throughout the design process. Landscaping amelioration measures have been introduced in communal open spaces where potential high wind speeds were identified, with the report predicting that the resulting design will produce a high-quality environment that is attractive and comfortable for pedestrians. Balcony designs are deemed acceptable for seasonal use. The study concludes that the proposed development will not affect or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings.
- The EIAR outlines that the level of bat activity recorded on site is very low. Negative impacts from lighting on bats are not anticipated but lighting will be designed to mitigate/minimise any impacts. No 'red list' birds were recorded during site surveys. Furthermore, the NIS (see section 11 of this report) concludes that, based on the location, positioning and scale of the proposed development, as well as its position relative to the River Lee (including mudflats at Dunkettle/Blackrock), Douglas Estuary and Lough Mahon, the risk of collision with the proposed buildings is predicted to be low and is unlikely to negatively impact upon bird species for which Cork Harbour SPA has been designated. The NIS also concludes that any increase in illumination is likely to be localised and would not negatively impact upon species for which the SPA has been designated. Having

regard to the above and the location of the site within the existing built-up area and the height and scale of existing and permitted development, I am satisfied that there would be no unacceptable lighting or collision impacts on birds and/or bats.

- Chapter 6 of the EIAR indicates that no significant impacts are likely arising from the operational phase on telecommunications networks. In this regard, I note that existing and permitted development in the area is of a similar and/or increased height and scale, and that the proposed development would not, therefore, significantly impact on any channels/links.
- The CCDP 'Urban Density, Building Height and Tall Building Study' indicates that the application site would not be affected by the Flight path / Public Safety Zone (PSZ) for Cork Airport.
- The application is accompanied by a Design Statement and Chapter 12 of the EIAR satisfactorily considers the impact on the built environment.
- The application includes an EIAR and NIS and the relevant environmental assessments have been carried out in sections 11 and 12 of this report.

Conclusion

- 10.7.7. As previously outlined in section 10.3 of this report, I would accept that the proposed building height would materially contravene Objective 3.5 and Table 11.1 of the CCDP, but that it would also be supported by Objective 10.90 of the same plan. Otherwise, I am satisfied that the proposed height, design and layout would be consistent with the qualitative policies and provisions of the CCDP.
- 10.7.8. The proposed development would also be consistent with national guidance, including the Building Height Guidelines and Compact Settlement Guidelines, to support increased height and density subject to compliance with the criteria as outlined in this section. Having considered these criteria, I am satisfied that the proposal would satisfactorily integrate with its environment and would not detract from the character or amenities of the area in any unacceptable way. Accordingly, I consider that the proposal is acceptable in relation to design, layout, and the landscape/townscape and visual impacts of the proposed development.

10.8. Material Contravention

Legislative Provisions

10.8.1. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 outlines that the Board may grant permission for an SHD even where the proposed development materially contravenes the Development Plan or LAP concerned, except in relation to the zoning of land. In any such case, the Board must be satisfied that the provisions of section 37(2)(b) of the Act of 2000 would apply, which are as follows:

(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 the 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.

10.8.2. The application includes a 'Statement of Material Contravention' (SoMC) as outlined in section 6.5 of this report. The statement has been referenced in the public notices for the application in accordance with the requirements of the Act of 2016 and the Regulations of 2017. The referenced 'material contravention' issues will be discussed in the following paragraphs.

10.8.3. However, before assessing the individual issues and provisions, I propose to address the more general question of '*strategic or national importance*' as per s. 37(2)(b)(i). In this regard, I firstly note the classification of the proposed development as 'strategic housing development' as per the definition in section 3 of the Act of

2016, as well as its significant scale comprising 489 residential units, a creche, and an office block.

- 10.8.4. At national level, the NPF highlights that building on Cork's potential is critical to further enhancing Ireland's metropolitan profile and that one of the greatest challenges is addressing the long-term decline of the City's urban population. As part of the approach to address this, NPO 3 (b) aims to deliver at least 50% of all new homes targeted for Cork within the existing built-up footprints.
- 10.8.5. At regional level, the Cork MASP Objective 1a is to strengthen the role of the Cork Metropolitan Area as an international location of scale and a primary driver of economic and population growth in the Region. Section 7.2 of the MASP identifies Mahon as a Strategic Residential and Regeneration Area along the potential Light Rail Corridor.
- 10.8.6. At County level, the Core Strategy Map includes the site within the 'Mahon' District Centre. The Growth Strategy Map (2.21) identifies the application site as a 'Tier 1' site targeted for 'compact growth', while Figure 2.22 includes the site as being 'in Existing Built-up footprint'.
- 10.8.7. Having regard to the foregoing, I consider that the strategic importance of Cork and the Mahon area is reflected at national, regional, and local policy level. Together with the current national housing shortage and national policy to substantially increase national housing output as set out in 'Housing For All' and the NPF, I consider that the proposed development would be of strategic and national importance and that a material contravention would comply with the terms of section 37(2)(b)(i) of the Act of 2000. This applies equally to all material contravention issues and therefore I am applying s. 37(2)(b)(i) in all instances.

Density

- 10.8.8. As outlined in section 10.3 of this report, I consider that the proposed density (150 uph) would materially contravene the density provisions of the CCDP in respect of Objective 3.5 and Table 11.2 (50-120 uph). The provisions of s. 37(2)(b)(ii) – (iv) of the Act of 2000 are addressed hereunder.

S. 37(2)(b)(ii) – The applicant's SoMC has not identified any conflicting or unclear objectives in the development plan, and I am not aware of any such instances.

S. 37(2)(b)(iii) – As outlined in Section 10.3 and other sections of my report, I am satisfied that the proposed density is acceptable and should be granted having regard to the provisions of the ‘Section 28’ Compact Settlement Guidelines.

S. 37(2)(b)(iv) – The applicant’s SoMC refers to the recent pattern of development and permissions granted (ABP-301991-18 and APB-309059-20). However, these applications were granted prior to the making of the current CCDP and APB-309059-20 was permitted at a different location (South Docks). I am not aware of any instances where a density of 150 uph (or similar) has been permitted in this area since the making of the current CCDP.

Building Height

10.8.9. As outlined in section 10.3 of this report, I consider that the proposed height (part 8-storey over lower ground and semi-basement podium levels) would materially contravene the building height provisions of the CCDP in respect of Objective 3.5 and Table 11.1 (4-6 storeys for ‘Mahon’). The provisions of s. 37(2)(b)(ii) – (iv) of the Act of 2000 are addressed hereunder.

S. 37(2)(b)(ii) – The applicant’s SoMC has not identified any conflicting or unclear objectives in the development plan. However, I note that the proposed development would be supported by Objective 10.90 of the CCDP, which is to provide for *‘development ranging in height from 4 to 10 storeys on Jacob’s Island’*. Accordingly, I consider that there are conflicting objectives in the development plan insofar as the proposed development is concerned.

S. 37(2)(b)(iii) – As outlined in Sections 10.3 and 10.7 of my report, I am satisfied that the proposed height is acceptable and should be granted having regard to the provisions of the NPF and SPPR 3 of the ‘Section 28’ Building Height Guidelines.

S. 37(2)(b)(iv) – The applicant’s SoMC refers to the long-standing consideration of this as a suitable location for taller buildings as evidenced by ABP Ref. PL28.232275 (up to 21 storeys), ABP-301991-18 (up to 25 storeys), and APB-309059-20. Again, these applications were granted prior to the making of the current CCDP and APB-309059-20 was permitted at a different location (South Docks). However, I note that the Board granted ABP Ref. 314420-22 on the adjoining site to the northwest,

including a height of up to 10-storeys over basement level. Accordingly, I am satisfied that permission would be justified having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Housing Mix

10.8.10. As outlined in section 10.4 of this report, I consider that the proposed housing mix would materially contravene the provisions of the CCDP in respect of Objective 11.2 and Table 11.8. The provisions of s. 37(2)(b)(ii) – (iv) of the Act of 2000 are addressed hereunder.

37(2)(b)(ii) – The applicant's SoMC concludes that there would not be a material contravention given the 'flexibility' that can be applied under Objective 11.2. It is my opinion (as outlined in section 10.4 of this report) that the significant disparity between the proposed mix and the ranges specified (i.e. Table 11.8) extends beyond the reasonable realm of 'flexibility', and that there is a material contravention. However, I do consider that there are conflicting objectives in respect of the different approach adopted in the HNDA and the Development Plan (Objective 11.2 and Table 11.8).

S. 37(2)(b)(iii) – As outlined in Section 10.4 of my report, I am satisfied that the proposed mix is acceptable and should be granted having regard to SPPR 1 of the Apartments Guidelines. In this regard, I do not consider that the requirements of Table 11.8 of the CCDP are supported by evidence outlined in the HNDA in accordance with the requirements of SPPR 1.

S. 37(2)(b)(iv) – I am not aware of any instances where the proposed housing mix (or similar) has been permitted in this area since the making of the current CCDP.

Parking

10.8.11. As outlined in section 10.6 of this report, I consider that the proposed office parking (69 spaces) would materially contravene the provisions of the CCDP in respect of Table 11.13 (maximum of 27 spaces). The provisions of s. 37(2)(b)(ii) – (iv) of the Act of 2000 are addressed hereunder.

Sec. 37(2)(b)(ii) – The applicant’s SoMC has not highlighted any conflicting or unclear objectives in the Development Plan, and I am not aware of any such cases.

S. 37(2)(b)(iii) – The applicant’s SoMC has not referenced any other relevant policy or guidelines that would support the proposed rate of office parking, and I am not aware of any such policy or guidelines.

S. 37(2)(b)(iv) – The applicant’s SoMC highlights the transitional nature of parking policy and the existing pattern of commuter travel in the area and contends that car parking would be reduced prematurely in advance of planned transport improvements. It references a Board decision to refuse permission for an SHD development in Naas, Co. Kildare (ABP Ref. 309954-21) on grounds of *inter alia* the absence of high frequency urban public transport services. It also highlights that the overall parking provision for the development is significantly below the maximum requirements and that it will be supported by increased cycle parking provision.

I do not consider that ABP Ref. 309954-21 has any relevance to the current application, and I am not aware of any instances where the proposed rate of office parking has been permitted in this area since the making of the current CCDP. In fact, the Board’s permission under ABP Ref. 314420-22 included a condition requiring the reduction of office parking to comply with the CCDP standards.

- 10.8.12. Having regard to the foregoing, I do not consider that the proposed office parking would be justified by any of the provisions of s. 37(2)(b)(ii) - (iv) of the Act of 2000. However, I consider that any grant of permission would avoid a material contravention through the inclusion of a condition requiring the reduction of office parking to 27 no. spaces in accordance with CCDP requirements.

Conclusions on Material Contravention

- 10.8.13. Having regard to the foregoing, I consider that the proposed development would materially contravene certain provisions of the CCDP in relation to density, building height, housing mix, and office parking. However, subject to a condition requiring the reduction of office parking to 27 no. spaces, I consider that permission can be granted in accordance with the provisions of section 37(2)(b) of the Act of 2000 for the reasons as outlined in this section of my report.

10.9. The Local Authority Recommendation

- 10.9.1. The CE Report outlines an opinion that the proposed development would be generally consistent with the relevant objectives of the CCDP 2022-2028 as well as the ambitions set out in the NPF and Rebuilding Ireland. However, it considers that there are important elements of the scheme that require further information or revisions, and the Board may consider whether the applicant has an opportunity to submit this information through Further Information.
- 10.9.2. The first element concerns the impact of the development on the Mahon interchange and wider road network, as outlined in the CCC internal reports and the submissions from the TII and NTA. I have addressed these matters in section 10.6 of my report, and I am satisfied that, subject to conditions, the impacts of the development would be acceptable.
- 10.9.3. The second element relates to the proposed dwelling size mix and the absence of larger 'family units', which is also seen to be related to a perceived excessive density. Concerns have also been raised about the design of the proposed units, including the absence of entrance lobbies in some cases and an excessive number of north-facing single-aspect units. However, I have addressed these matters in sections 10.3 and 10.4 of my report and I am satisfied that the proposals regarding these matters are acceptable.
- 10.9.4. In the event of a grant of permission, the CE Report includes a schedule of recommended conditions. The conditions are generally of standard nature. However, the significant and/or specific conditions are discussed as follows:

Condition 2 would require agreement on proposals to increase the capacity of the Mahon Interchange and for the applicant to cover the costs. As outlined in section 10.6 of this report, I would accept that the proposed development will contribute to congestion, and I consider that there may be opportunities to improve capacity through revised signalling/timing (as suggested by the applicant) or otherwise. A condition should be included in this regard.

Condition 3 would require agreement on the necessary set-back being provided to accommodate Sustainable Transport Corridor J – Mahon to City as proposed under Bus Connects. This is appropriate and a condition should be included in this regard.

Condition 4 would require revised proposals for a greater proportion of ‘family units’ and a reduced number of north-facing single-aspect units. For the reasons outlined in section 10.4 of this report, I do not consider this condition to be necessary.

Condition 5 would require revised proposals for reduced car-parking to a maximum of 183 spaces. As outlined in section 10.6 of this report, I consider that the parking proposals are acceptable subject to a reduction in office spaces to 27.

Condition 17 would require agreement on proposals for pedestrian/cyclist crossing facilities from the existing internal access to the Passage Greenway via the Lough Mahon walkway, as well as proposals to substantially enhance priority and routing for pedestrians from the development to the Mahon SC. I agree that such proposals are appropriate in the interests of improving pedestrian/cycle facilities and increasing the modal share for active travel and I note that the application outlines agreement to this in principle.

11.0 Appropriate Assessment

11.1. Introduction

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

11.2. Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to

appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

11.3. Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, it has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Great Island Channel SAC and Cork Harbour SPA cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

This determination is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts;
- The potential for construction-related impacts on water quality and construction/operational disturbance impacts within the European Sites and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density;
- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened

out for the need for appropriate assessment on the basis of the significant separation distances and lack of connectivity to the application site:

- River Blackwater (Cork/Waterford) SAC (c. 17km)
- Ballymacoda (Clonpriest and Pillmore) SAC (c. 31km)
- Courtmacsherry Estuary SAC (c. 30km)
- The Gearagh SAC (c. 40km)
- The Gearagh SPA (c. 40km)
- Blackwater Callows SPA (c. 30km)
- Ballycotton Bay SPA (c. 25km)
- Ballymacoda Bay SPA (c. 32km)
- Blackwater Estuary SPA (c. 36km)
- Sovereign Islands SPA (c. 23km).

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

11.4. The Natura Impact Statement (NIS)

11.4.1. The application includes an NIS which examines and assesses potential adverse effects of the proposed development on Great Island Channel SAC and Cork Harbour SPA. Section 2 of the NIS takes full account of the legislative context. Section 3 (Methodology) outlines that the NIS has been prepared in accordance with relevant national and European guidance. Section 3.3 of the NIS outlines the qualifications and experience of the consultants, and I am satisfied that it has been prepared by competent experts.

11.4.2. A desk study was carried out to collate information available on European sites. This study relied mainly on sources such as aerial imagery; the NPWS online databases; the EPA mapping system; the National Biodiversity Data Centre (NBDC); and Cork City Council planning databases. A preliminary walkover of parts of the site was undertaken on the 25th August 2021. A Phase 1 habitat survey was undertaken on the 21st September 2021. During the course of the habitat survey any signs of

fauna, such as birds, terrestrial mammals and insects, were also recorded. A bat survey was undertaken in September 2021. The alignment of the River Lee/Lough Mahon Waterfront Greenway adjoining Jacobs Island was walked on a number of occasions, including on the 9th January 2022. Previous ecological site surveys from 2000 and 2007 were also considered.

11.4.3. The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of other plans and projects. It concludes that, in circumstances where the mitigation measures identified in this NIS are implemented, there is no reasonable scientific doubt remaining as to the absence of adverse effects on the constitutive characteristics of the Great Island Channel SAC and Cork Harbour SPA. Therefore, it states that it can be objectively concluded that the proposed development, whether individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.

11.4.4. Having reviewed the documents, submissions and consultations included within the application file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Great Island Channel SAC
- Cork Harbour SPA.

11.5. Stage 2 Appropriate Assessment of implications of the proposed development

11.5.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

11.5.2. In carrying out this assessment, I have adhered to relevant guidance including:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.

- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

11.6. European Sites

11.6.1. The following sites are subject to Appropriate Assessment:

- Great Island Channel SAC
- Cork Harbour SPA.

11.6.2. A description of the European Sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests has been set out in the NIS and is summarised in Appendix 1 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

11.6.3. While the AA Screening exercise has acknowledged the potential source-pathway-receptor (SPR) hydrological link with the European Sites, section 6 of the NIS examines whether likely significant direct and indirect effects may arise. Where effects are identified that may affect the integrity of the European sites, avoidance and mitigation measures are proposed to offset these effects.

Surface Water Impacts

11.6.4. Section 6.1.2.1 of the NIS considers the potential construction stage surface water impacts on the Great Island Channel SAC. Consideration was given to each of the 'Attributes' and 'Targets' for QI habitats as set out in the Conservation Objectives (CO) and detailed in the following table.

Table 9 – Attributes and Targets for Great Island Channel SAC QIs

QI - Mudflats and sandflats not covered by seawater at low tide CO - To maintain the favourable conservation condition, which is defined by the following list of attributes and targets:		
Attribute	Measure	Target
Habitat Area	Hectares	The permanent habitat area is stable or increasing, subject to natural processes. See Map 3 of NPWS, 2014a.
Community Distribution	Hectares	Conserve the following community type in a natural condition: Mixed sediment to sandy mud with polychaetes and oligochaetes community complex. See Map 4 of NPWS, 2014a.
QI - Atlantic salt meadows CO – To restore the favourable conservation condition, which is defined by the following list of attributes and targets.		
Attribute	Measure	Target
Habitat Area	Hectares	Area stable or increasing, subject to natural processes, including erosion and succession. For sub-sites mapped: Bawnard - 0.29ha; Carrigatohil - 1.01ha. See Map 5 of NPWS, 2014a.
Habitat distribution	Occurrence	No decline or change in habitat distribution, subject to natural processes. See Map 5 of NPWS, 2014a
Physical structure: sediment supply	Presence/absence of physical barriers	Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions

Physical structure: creeks and pans	Occurrence	Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession
Physical structure: flooding regime	Hectares flooded; frequency	Maintain natural tidal regime
Vegetation structure: zonation	Occurrence	Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession
Vegetation structure: vegetation height	Centimetres	Maintain structural variation within sward
Vegetation structure: vegetation cover	Percentage cover at number of monitoring stops	Maintain more than 90% area outside creeks vegetated
Vegetation composition: typical species and sub- communities	Percentage cover at number of monitoring stops	Maintain range of subcommunities with typical species listed in SMP (McCorry and Ryle, 2009)
Vegetation structure: negative indicator species - <i>Spartina anglica</i>	Hectares	No significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1% where it is known to occur

11.6.6. Having considered the attributes and targets, the NIS outlines that a construction compound will be established which will not be located in proximity to any drains or surface water features. The application also outlines the significant distance from Great Island Channel SAC (3.8km) and concludes that the proposed development would not affect any of the attributes of the QI habitats. Notwithstanding the conclusion that such indirect impacts are unlikely to arise, the NIS includes a number

of measures have been designed and will be implemented in order to ensure that there are no adverse effects arising from the proposed development on Great Island Channel SAC.

- 11.6.7. Section 6.2.3.1 of the NIS considers the potential construction stage surface water impacts on the Cork Harbour SPA. Although it makes erroneous references to the Great Island Channel SAC, I confirm that this Appropriate Assessment considers the 'Attributes' and 'Targets' for the QIs/SCIs in Cork Harbour SPA, as set out in the Conservation Objectives (CO) and detailed in the following table.

Table 10 – Attributes and Targets for Cork Harbour SPA QIs/SCIs

QIs/SCIs – Little Grebe; Great Crested Grebe; Cormorant; Grey Heron; Shelduck; Wigeon; Teal; Pintail; Shoveler; Red-breasted Merganser; Oystercatcher; Golden Plover; Grey Plover; Lapwing; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Lesser Black-backed Gull; CO - To maintain the favourable conservation condition, which is defined by the following list of attributes and targets		
Attribute	Measure	Target
Population trend	Percentage change	Long term population trend stable or increasing
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas, other than that occurring from natural patterns of variation
QIs/SCIs – Common Tern CO - To maintain the favourable conservation condition, which is defined by the following list of attributes and targets		
Attribute	Measure	Target
Breeding population abundance: apparently occupied nests (AONs)	Number	No significant decline
Productivity rate: fledged young per breeding pair	Mean Number	No significant decline

Distribution: breeding colonies	Number; location; area (hectares)	No significant decline
Prey biomass available	Kilogrammes	No significant decline
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase
Disturbance at the breeding site	Level of impact	Human activities should occur at levels that do not adversely affect the breeding population
QIs/SCIs – Wetlands CO - To maintain the favourable conservation condition as a resource for the regularly occurring migratory waterbirds that utilise it, which is defined by the following list of attributes and targets		
Attribute	Measure	Target
Habitat Area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation

11.6.8. I have considered the above attributes and targets. I again note that it is proposed to establish a construction compound which will not be located in proximity to any drains or surface water features that might provide a pathway to the Cork Harbour SPA. I also note that the application site is distanced c. 150-200 metres from the SPA and will be separated by a significant element of existing development and vegetation. Having regard to this separation buffer and the proposals to avoid any hydrological pathways to the SPA, I am satisfied that the proposed development would not affect any of the attributes of the QI habitats or SCI species associated with the SPA. Notwithstanding the conclusion that such indirect impacts are unlikely to arise, I note that the NIS includes a number of measures have been designed and will be implemented in order to ensure that there are no adverse effects arising from the proposed development on Cork Harbour SPA.

Groundwater Impacts

11.6.9. Sections 6.1.2.2 and 6.2.3.2 of the NIS consider the potential construction stage impacts via groundwater. This outlines that excavation works will be limited due to site topography and the proposed levels, and that previous site investigation work indicated shallow groundwater and no anticipation of significant effect on ground water. Any localised / temporary alteration of ground water levels on-site is therefore expected to be minor and will not have a significant impact on the Lough Mahon Transitional Water Body ground waterbody feeding Cork Harbour to the east. It is therefore considered that the proposed development will not negatively impact on water quality within Great Island Channel SAC or Cork Harbour SPA; nor will it impact, directly or indirectly, any of the habitats or species listed as features of interest for these European Sites. However, as is good practice, a series of environmental protection measures are proposed in the CEMP and included as 'mitigation' in the NIS.

Species Disturbance

11.6.10. Sections 6.2.3.5 – 6.2.3.7 of the NIS consider the potential disturbance impacts for the SCI bird species of Cork Harbour SPA. It outlines that the nearest nesting site for Common Tern is >4km from the site and that nesting and feeding habits are not likely to be significantly affected. The birds using the estuary will also be visually screened from the bulk of the works. Construction related noise disturbance is not predicted to occur due to the existing busy noise environment, including the N40 road. The NIS also highlights that birds are using the estuary adjoining a long-established pathway, although for much of the tidal cycle birds are remote from the pathway. It outlines that birds continue to feed/forage in close proximity to the pathway and appear to be acclimatised to human activity and does not anticipate an increased level of disturbance.

11.6.11. A lighting plan was prepared for the scheme, and it is not proposed to have any lighting directed onto the foreshore. The potential for an increase in ambient lighting levels in the environs of the site is low and any such increase can allow some birds to increase their time foraging. Any increase in illumination is likely to be small and localised and it is anticipated that levels would not negatively impact upon species for which the SPA has been designated.

11.6.12. In relation to bird collision risk, the NIS highlights that the proposed development is an area which already includes a high density of tall and large-scale buildings separating Jacobs Island from lands to the north and west. The bulk of bird flight movements would be expected to be along the shoreline or along estuaries / watercourses. The site is located between the River Lee and Douglas Estuary, and the NIS acknowledges that Cork Harbour SCIs such as Oystercatcher, Black-tailed Godwit or Curlew may feed on grassland within inland suburban areas. However, it outlines that such birds do not need to overfly Jacobs Island to reach these feeding areas. The NIS also considers important flight routes for relevant SCIs, including those along the River Lee and Douglas Estuary waterways and long the Lough Mahon shoreline. In summary, it concludes that based on the location, positioning and scale of the proposed development; as well as it's position relative to the River Lee (including mudflats at Dunkettle/Blackrock), Douglas Estuary and Lough Mahon, the risk of collision with the proposed building is predicted to be low and is unlikely to negatively impact upon bird species for which Cork Harbour SPA has been designated.

Mitigation Measures

11.6.13. Section 6.3 of the NIS outlines the proposed 'mitigation measures' which can be summarised under the following headings.

Construction Management of Ground / Surface Waters

- Undertake a series of trial holes to establish the ground water levels
- Compliance with the principles set out in CIRIA guide *C532 Control of Water Pollution from Construction Sites – Guidance for consultants and contractors*
- Agreement of a detailed Construction Management Plan
- Timing of works to avoid periods of heavy rainfall
- Identification and protection of watermains
- Good practice construction measures to ensure that suspended sediments do not enter the watercourse
- Prevention of oil and hydrocarbon pollutants through good practice measures including bunded areas for the storage of fuels, regular maintenance of machinery, measures to protect the site from vandalism and the provision of a designated refuelling area. A designated fuel transfer area will be provided on

site, including an impermeable paved and bunded area that is capable of handling and intercepting a fuel spillage. All tanks should be fully bunded and placed on a firm and secure foundation.

- Good practice measures to prevent uncontrolled runoff associated with concrete and cement operations by the use of an impermeable bunded slab with collection point and siltation. Concrete should be placed in a controlled method to prevent spillages, using a concrete pump where possible.

Biosecurity Protocols

In addition to control measures for knotweed on adjoining lands already implemented, Biosecurity protocols will be implemented during the construction phase to prevent the introduction of invasive species. These include:

- All equipment intended to be used at the site shall be dry, clean and free from debris.
- Importation of materials shall comply with Regulation 49 of the EC (Birds and Natural Habitats) Regulations 2011.
- An invasive species survey will be undertaken prior to commencement of construction. In the event that invasive species are identified an Invasive Species Management Plan shall be prepared and implemented.
- Non 3rd Schedule species shall be grubbed and either chipped or removed from site. The site will be monitored for re-growth and any saplings will be pulled and disposed of.

General Measures

- Refuelling, oil storage, and environmental control measures will be limited to the proposed site compound and a range of measures are outlined to address storage, operational use, spillage procedures, etc.
- Other measures such as Waste, Noise and Dust management are also presented in the CEMP.
- Environmental training and awareness will be achieved through a range of measures and procedures.

11.6.14. I have considered the proposed mitigation and monitoring measures. I consider that they are robust and comprehensive, and I am satisfied that they are adequate to

ensure that there will be no significant water quality impacts associated with the proposed development.

In-combination impacts

- 11.6.15. Section 6.5 of the NIS considers potential in-combination impacts. It outlines that a Strategic Environmental Assessment (SEA) and Natura Impact Report (NIR) was prepared as part of the CCDP, which assessed the potential to adversely affect the integrity of Natura 2000 sites. The finding was that the Plan will not adversely affect the general biodiversity and the integrity of Natura 2000 sites due to the incorporation of mitigation measures into the Plan.
- 11.6.16. The NIS also considered projects that had been granted planning permission in the vicinity of the proposed project within the last 5 years, as well as other significant planned developments in the surrounding area. Since the completion of the NIS, I note that permission has been granted for the hotel and office development on the adjoining lands under Cork City Council Ref: 22/40809 (ABP. Ref. 314420-22). I also note that other planned projects have progressed and/or been completed, such as the Dunkettle Interchange Upgrade and the Douglas Flood Relief Scheme. I acknowledge that these schemes are linked to Cork Harbour but that they have also been subject to Appropriate Assessment and have conditions attached to their consents relating to sustainable drainage and the protection of Natura 2000 sites.
- 11.6.17. Irish Water have been engaged in an ongoing programme of work in Cork Harbour. The sewer network has been extended as part of the Cork Lower Harbour Main Drainage Project to connect unserviced areas to the Shanbally Wastewater Treatment Plant. In 2020, Irish Water completed the Cobh to Monkstown Estuary Crossing creating a vital connection between Cobh and Monkstown. Such measures should result in progressive improvement in water quality within the harbour. As above, in each case these projects have been subject to stand alone Screening for Appropriate Assessment and / or prepared a Natura Impact Statement.
- 11.6.18. The NIS outlines how the foregoing assessment has concluded that the proposed development will not result in any adverse effects on the integrity of any European site and, therefore, there is no potential to contribute to any potential cumulative adverse effects on any European site when considered in-combination with other plans and projects. No connection that could potentially result in additional or

cumulative impacts was identified. Neither was any potential for different (new) impacts resulting from the combination of the various projects and plans in association with the proposed development. Taking into consideration the reported residual impacts from other plans and projects and the predicted impacts with the current proposal, the NIS concludes that there are no residual cumulative impacts with regard to any European Site.

11.6.19. I would acknowledge that the proposed development will result in additional surface water and foul water emissions which will accumulate with other projects in the area. However, for the reasons previously outlined, I am satisfied that the existing infrastructure and proposed mitigation measures will ensure that there will be no significant cumulative impacts on European Sites.

11.6.20. There is potential for cumulative disturbance at construction and operation stages associated with other developments. However, having regard to the separation distances and buffers from Natura 2000 sites, together with the nature and location of the site within the existing built-up area, I do not consider that this would significantly impact on any Natura 2000 sites.

11.6.21. I also note that Japanese knotweed and Bohemian knotweed have been recorded on adjoining lands within the broader Masterplan site. However, these have already been appropriately treated and additional biosecurity mitigation measures have been satisfactorily included with the proposed development. Accordingly, I do not consider that there is potential for significant cumulative effects.

11.6.22. Accordingly, I am satisfied that the potential for in-combination effects with other plans and projects has been adequately considered and that the proposed development would not result in any residual cumulative effects with regard to any European Site.

11.7. Appropriate Assessment Conclusion

11.7.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

11.7.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effects on Great Island Channel SAC and

Cork Harbour SPA could not be excluded. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Where potential significant effects on Natura 2000 sites have been identified, key design features and mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available, which I consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided.

11.7.3. Therefore, following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Great Island Channel SAC or Cork Harbour SPA, or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on:

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

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

12.1.1. The proposed development mainly involves the construction of 489 no. apartments, creche and offices in 5 no. blocks ranging in height from part-1 to part-8 no. storeys over lower ground and semi-basement podium levels. The site has a stated overall gross area of 3.95 hectares.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

i) Construction of more than 500 dwelling units

iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

12.1.3. The proposal for 489 no. residential units does not exceed 500 units and would not be a class of development described at 10(b)(i). The site is not within a 'business district' but is within the 'built-up area'. Accordingly, the site area would not exceed the applicable threshold (10 hectares) outlined in sub-section 10(b)(iv) above.

12.1.4. Notwithstanding this, an EIAR has been submitted for this 'sub-threshold' development on the basis of the criteria set out in Schedule 7(1)(b) of the Regulations regarding '*cumulation with other existing development and/or development*'. In this regard, the application has had particular regard to the proposed developments on the overall masterplan lands, i.e. the 437-no. unit SHD permission ABP-301991-18 (as amended by ABP-310378-21) and the now-permitted application for hotel and offices (Cork City Council Reg. Ref. 22/40809, ABP Ref. 314420-22).

12.1.5. Under Article 102 of the Planning and Development Regulations 2001, as amended, where an application for a sub-threshold development is accompanied by an EIAR, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

12.2. EIA Structure

12.2.1. This section of the report comprises the environmental impact assessment of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Boards decision, should they agree with the recommendation made.

12.3. Issues raised in respect of EIA

12.3.1. Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

12.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

12.4.1. The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Table 11 - Requirements of Article 94 and Schedule 6 of the Regulations

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	Assessment
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including	Chapter 2 of the EIAR describes the development, including a detailed description of the existing environment and locational context; an outline of the construction phase including the programme/phasing, methodology, and traffic/waste

the additional information referred to under section 94(b)).	management plans; and an outline of the operational elements. The description is adequate to enable a decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).	Chapters 4-14 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b)).	Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including a Construction and Environmental Management Plan (CEMP), a Mobility Management Plan (MMP), and a Dust Management Plan. The Mitigation measures comprise standard good practices and site-specific measures and are generally capable of offsetting any significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b)).	Chapter 3 of the EIAR outlines the consideration of alternatives. Alternative locations are not considered given that the site is the only zoned land in the ownership of the applicant and the CCDP has already been subject to SEA. The 'do nothing' alternative is considered an inappropriate unsustainable and inefficient use of these serviced and zoned lands. Alternative uses were considered but the proposed uses were considered appropriate in addressing residential needs and the expansion of this strategic employment area. The EIAR also outlines how several different design layouts were

	considered throughout the process, as well as a comparison of environmental impacts for the alternative layouts considered. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Board and in doing so the applicant has taken into account the potential impacts on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the baseline/receiving environment which enables a comparison with the predicted impacts of the proposed development. I acknowledge that a significant duration of time has elapsed since the baseline assessments were carried out, but I am satisfied that they are still relevant and adequate for the purposes of this assessment.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	The EIAR outlines the methodology employed, consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are adequate, as will be discussed throughout this assessment.
A description of the expected significant adverse effects on the environment of the proposed development deriving from its	The EIAR acknowledges the need to consider major accidents and/or disasters. Where relevant, an assessment of adverse effects has been included. Having regard to the nature, scale, and location of

vulnerability to risks of major accidents and/or disasters which are relevant to it.	the project, I consider the approach to be reasonable.
Article 94 (c) A summary of the information in non-technical language.	This information has been submitted separately as Volume 1 of the EIAR. I have read this document, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.	The sources used to inform the description, and the assessment of the potential environmental impact are set out in each section, including references. I consider the sources relied upon are appropriate and sufficient.
Article 94 (e) A list of the experts who contributed to the preparation of the report.	Section 1.6 of the EIAR outlines the EIAR Team, including the qualifications, experience, and expertise of the contributors.

Consultations

12.4.2. The application has been submitted in accordance with legislative requirements in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

12.4.3. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001. Matters of detail are considered in my assessment of likely significant effects, below.

12.5. Assessment of the likely significant direct and indirect effects

12.5.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the environmental factors as set out in Section

171A of the Planning and Development Act 2000. It includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interactions of these effects.

12.6. Population and Human Health

12.6.1. Issues Raised

The submissions from the planning authority and prescribed bodies (TII & NTA) raise concerns about traffic congestion and safety for the local population. The planning authority reports also raise issues about the housing mix, design standards, and fire safety requirements of the proposed apartments.

12.6.2. Examination, analysis and evaluation of the EIAR

Chapter 13 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context, including demographics, land use, and community and social infrastructure.

Section 13.4.2 outlines the potential impacts of the proposed development. It includes numerous references to other EIAR topics, and these effects will be addressed in more detail in the relevant sections of this report. The main construction effects are predicted to be related to traffic, visual impact, impact/disruption to local services/infrastructure, dust pollution, water pollution, and noise and vibration. The operational phase is predicted to result in several significant long-term positive impacts relating to housing supply, mixed-use services and amenities, employment, and public transport and active travel improvements.

Section 13.4.3 outlines impacts on the Local Economy and that the construction stage will lead to increased local business and employment. The operational stage will bring an additional 1379 persons which will address the designation of Mahon as a growth area; create additional demand for local retail and service provision, further increasing local employment opportunities; and will support the planned investment in public transport improvements.

The EIAR also considers the potential impacts on other social and community infrastructure and amenities. This includes positive impacts in the form of improved

access to open spaces and recreational trails. It assesses existing/proposed childcare and education services and concludes that there will be adequate capacity. No significant adverse effects are predicted for other social/community facilities including health services and emergency services, while there will be significant positive impacts for retail services and public transport investment.

Section 13.5 outlines mitigation and monitoring measures. The construction stage measures are based on the CEMP provisions including a Dust Minimisation Plan, noise/vibration control, water protection, traffic management, and a monitoring regime. The operational stage measures relate to the proposed replacement landscaping and the improvement of walking, cycling, and public transport options. The EIAR predicts that there will be positive residual impacts in the creation of a new community with improved services and sustainable transport options, as well as the consolidation of the existing townscape.

The EIAR also considers the potential cumulative impacts of other projects in the area. Subject to liaison between construction sites and implementation of the appropriate best practice measures, no significant cumulative impacts are predicted. The operational phase is not predicted to generate cumulative human health impacts and positive impacts are predicted in relation to townscape character and the delivery of much needed residential development and other services/amenities such as public transport, connections, open space, creche etc.

12.6.3. Assessment: Direct, Indirect, and Cumulative Effects

I have acknowledged the identified impacts and the associated mitigation measures, as well as the potential for interactive impacts with other factors as discussed in sections 12.7 to 12.14 of this EIA. I also acknowledge the potential impacts identified in Chapter 10 (Noise & Vibration) and the potential interaction with population and human health. I consider that the predicted impacts and the associated mitigation measures are adequate to prevent any unacceptable impacts.

The concerns raised in submissions from the planning authority and prescribed bodies (TII & NTA) about traffic congestion and safety have/will be addressed in sections 10.6 and 12.11 of this report, and I am satisfied that there will be no unacceptable impacts. The planning authority concerns about the housing mix and design standards have been addressed in section 10.4 of this report and I am

satisfied that there will be no unacceptable impacts. Similarly, I am satisfied that any fire safety requirements will be adequately addressed under the Building Regulations as a separate legal code to the planning process.

12.6.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are, and will be mitigated as follows:

- Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, including a Dust Minimisation Plan and a traffic management plan.
- Positive socioeconomic effects at operational stage through the availability of additional housing, employment, services and amenities, open space and recreational improvements, and sustainable transport options.

12.7. Biodiversity

12.7.1. Issues Raised

None.

12.7.2. Examination, analysis and evaluation of the EIAR

Chapter 9 of the EIAR deals with Biodiversity. It highlights that the potential impact on European sites is set out in the Natura Impact Statement (NIS) and I have addressed this in section 11 of my report. A desk study was carried out based on aerial imagery and information from NPWS, the EPA, the NBDC, applicable legislation, Birdwatch Ireland, and previous ecological surveys. Site surveys were also carried out as follows:

- Site visit on 25th August 2021
- Full ecological walkover survey on the 21st September 2021 (including incidental sightings/signs of birds, mammals, invertebrates and amphibians; assessment of bat suitability; and invasive species survey)
- Site visit focussed on the adjoining River Lee/Lough Mahon Waterfront Greenway on 11th January 2022 (including Badger and Otter survey)
- Bat survey including daylight inspection and bat detector surveys on 15th September 2021.

I acknowledge that a significant duration of time has elapsed since the site surveys were carried out, but I am satisfied that they are still relevant and adequate for the purposes of this assessment.

The EIAR acknowledges the Biodiversity importance of the surrounding environment, including Cork Harbour SPA, Great Island Channel SAC, Douglas Estuary pNHA and Wildfowl Sanctuary, and Lough Mahon.

The NBDC database shows records of badger, red squirrel, and otter in the vicinity of the site, but the EIAR deems it unlikely that these species would occur on the site as it is isolated from other terrestrial habitat and corridors. Bat suitability mapping accessed via the NBDC shows that the environs of the site is classed as being of medium bat suitability. No records for invasive plant species were recorded by NBDC from within the site.

The habitat field survey results classified the majority of the site as 'WS1 – Scrub' and all habitats were classified as being 'locally important'. Invasive plant species were recorded on the site and adjoining lands. A variety of terrestrial birds were encountered but no species on the BOCCI 2020 'red list' were recorded. No invertebrate species of conservation concern were recorded on site. The level of bat activity recorded was very low and development is not envisaged to have any significant impact. A total of 16 no. otter signs were recorded in the wider area but no holts were recorded at Jacob's Island or the adjoining Greenway route. No badger signs were recorded in the development lands or in the adjoining coastal fringe habitats and the study area was considered to be of low suitability.

Construction stage impacts on habitats include direct loss/damage (site level significance only) and the potential spread of invasive species. The potential for pollution of surface/ground water will be addressed through mitigation measures. The potential for disturbance/displacement of fauna was not considered significant having regard to survey findings and the abundance of similar habitat.

Significant operational impacts are not predicted having regard to the proposed measures relating to replacement landscaping and water quality protection, as well as the absence of any significant connections to faunal species. The risk of a major accident and/or disaster on site is considered extremely low but suitable mitigation measures have been included to address any such events.

The mitigation measures for the construction stage include the retention of existing vegetation and proposed planting. To minimise disturbance to bats and other fauna, construction operations during the hours of darkness will be kept to a minimum and lighting shall be directed away from areas of semi-natural habitat and with sensitivity for local wildlife. Biosecurity protocols will be implemented to address invasive species impacts. Removal of vegetation will be carried out outside the breeding bird season. The EIAR also outlines a comprehensive range of CEMP and environmental good practice measures to be implemented. The operational mitigation includes the installation of 4 no. bat boxes. Monitoring measures will include the checking of the CEMP implementation and the ongoing monitoring of landscaping implementation to achieve ecological enhancement.

The residual impacts are predicted to be slight negative at site level in the short-term, and neutral to slight positive impact at a local level in the short to medium term as vegetation on site matures.

With regard to potential cumulative effects, the EIAR outlines that a Strategic Environmental Assessment (SEA) and Natura Impact Report (NIR) was prepared as part of the CCDP, which assessed the potential to adversely affect the integrity of Natura 2000 sites and biodiversity in general. Developments permitted in the area have also been outlined and I have considered the planning register in light of the significant passage of time since the making of the application. The EIAR does not identify the potential for any significant cumulative impacts on biodiversity.

12.7.3. Assessment: Direct, Indirect, and Cumulative Effects

I would concur with the EIAR classifications regarding the limited/local importance of the site and surrounding lands in terms of habitats and species. I acknowledge that the construction stage has the potential for impacts with regard to habitat loss/damage, water pollution, and the disturbance/displacement of fauna, and that significant operational impacts are not predicted. However, I am satisfied that the proposed mitigation measures will satisfactorily address any potential for significant environmental effects, including measures outlined in the CEMP, lighting design, existing and proposed vegetation, the timing of works, biosecurity protocols, and the installation of bat boxes.

12.7.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Biodiversity are, and will be mitigated as follows:

- Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- Construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and operational surface water drainage system.
- Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes.

12.8. Land & Soil

12.8.1. Issues Raised

None.

12.8.2. Examination, analysis and evaluation of the EIAR

Chapter 7 of the EIAR deals with land, soils, and geology and has been prepared having regard to the Institute of Geologists of Ireland (IGI) guidance/methodology. It outlines that the site is underlain by Carboniferous limestone (bedrock), Quaternary Sediments (soil), and a regionally important aquifer (high vulnerability) which is unlikely to receive any discharge from the site given its depth. Site investigations have found that the site generally consists of 'Made Ground', which overlies Cohesive Glacial Deposits that rests on Granular Glacial Deposits that overlies the Limestone Bedrock. Soil samples were found to be uncontaminated. Groundwater was only observed in some of the boreholes at 7.5 m to 6.0 m below ground level.

Construction stage impacts are predicted to include dust pollution associated with stockpiled material; pollution associated with material transported off site; groundwater flooding as a result of excavation works; and soil contamination associated with fuels/pollutants. No operational impacts are predicted given that the development will be built above the local aquifer and will not impact on geology.

The cumulative impacts of the other adjoining developments have also been considered and no significant cumulative effects are anticipated subject to good construction practice and the mitigation measures proposed. The EIAR outlines that a Strategic Environmental Assessment (SEA) was prepared as part of the CCDP and that the proposal would be consistent with the preferred 'Compact Liveable Growth Scenario'.

The construction stage mitigation measures include protected storage of stockpiled material; management of ground water during excavation; measures employed to prevent spillages from concrete delivery trucks and associated works; and provision of a designated fuel transfer area. A Resident Engineering Consultant will be retained to monitor construction. No significant effects are predicted during the operational phase. With the implementation of the proposed mitigation measures, no significant construction effects are anticipated.

12.8.3. Assessment: Direct, Indirect, and Cumulative Effects

In relation to land as a resource, I have considered the principle and density of the proposed development in section 10 of this report, and I am satisfied that the proposal would make efficient use of the land resource.

I would also accept that the loss of soil and geology is an inevitable aspect of such planned urban development, and I am satisfied that appropriate mitigation measures have been incorporated to prevent any unacceptable impacts. Suitable measures will protect against the potential for dust/dirt pollution and nuisance; groundwater flooding and/or contamination; and soil contamination associated with construction fuels and other pollutants.

12.8.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Land, Soil, and Geology are, and will be mitigated as follows:

- The loss of land, soil, and geology which would be acceptable given the proposed delivery of appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the

Construction and Environmental Management Plan and other measures proposed in the EIAR.

12.9. Water

12.9.1. Issues Raised

A submission from Irish Water outlines that the proposed water/wastewater connections are acceptable subject to conditions.

12.9.2. Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR assesses the potential impact on the surrounding surface water, groundwater and hydrological and hydrogeological environments, including the potential for non-conformance with the EU Water Framework Directive (WFD).

Section 8.4 outlines that the site is within the catchment of the Lee, Cork Harbour and Youghal Bay and is within the WFD Sub-catchment known as Glasheen (Corkcity)_SC_010. There are no watercourses running through the site. The site drains to transitional waters in Lough Mahon and EPA mapping shows that the quality of this water body is classed as 'Eutrophic'. The status of this waterbody is 'At Risk' of deteriorating or being at less than 'Good' status in the future. I can confirm that these classifications still prevail at the time of writing. GSI classifies the underlying aquifer as being of 'high' vulnerability and regional importance. Site investigation boreholes recorded groundwater at depths of 7.50m (-1.84m OD) and 8.5m. The EIAR also acknowledges that the Douglas Estuary (pNHA) and Cork Harbour (SPA) are sensitive aquatic receptors. Section 8.6 outlines a comprehensive review of flood risk data and concludes that risk to and from the proposed development is low.

The potential construction stage impacts are identified as including earthworks related suspended solids and other pollutants mixing with the surface water running off the site and reaching the shoreline. The construction phase could also result in the mobilisation of potentially polluting fine particles from materials stored or spillages and leaks of fuels and oils from stored areas or from machinery. Potential effects are rated as negative (temporary) for water quality, with a slight significance if not mitigated against. Given the proposals to connect to existing water services, the operational impacts are rated as neutral, brief, and of imperceptible significance.

In terms of cumulative impacts, the EIAR outlines that existing water infrastructure has the capacity to accommodate this and other development; that the CCDP has been subject to SEA; and that the proposal would be consistent with the SEA's preferred 'Compact Liveable Growth Scenario'.

The construction stage mitigation measures refer to the CEMP and best practices to avoid water pollution, and water quality will be monitored throughout. The operational measures relate to the monitoring of the drainage system. After the implementation of mitigation measures, no significant water impacts are predicted.

12.9.3. Assessment: Direct, Indirect, and Cumulative Effects

I consider that the EIAR has adequately identified the potential for impacts on surface water and groundwater through contamination, and I note that the development has the potential for downstream impact on Lough Mahon via the surface water and foul water outfalls.

I have considered the construction stage mitigation measures, and I am satisfied that they are suitably designed to address the potential risk of pollutant releases to the groundwater and surface water network. At operational stage, I am satisfied that there will be no significant discharge to groundwater and that the surface water discharge to the existing network will be designed in accordance with best practice requirements to satisfactorily address potential impacts. Wastewater will be connected to the Uisce Eireann (UE) network and treated at Carrigrennan WWTP. I note that UE has confirmed that connection to the system is feasible (subject to upgrades) and the WWTP Capacity Register (June 2023) confirms that there is capacity available.

12.9.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Water are, and will be mitigated as follows:

- Construction stage impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan.
- Operational stage surface water discharges, which will be mitigated by the implementation of suitably designed Sustainable Urban Drainage System (SuDS) measures.

12.10. Air & Climate

12.10.1. Issues Raised

None.

12.10.2. Examination, analysis and evaluation of the EIAR

Chapter 11 of the EIAR assesses air quality and climate impacts having regard to Ambient Air Quality Standards and Climate Agreements. It considers meteorological data for wind direction and speed; long-term air monitoring data; and EPA data and projections for greenhouse gas emissions.

The greatest potential impact on air quality during the construction phase is stated to be from construction dust emissions and the potential for nuisance dust and PM₁₀/PM_{2.5} emissions impacting on human health and the residential properties to the south. Construction stage traffic and plant is predicted to have an imperceptible, neutral, and short-term impact on air quality and climate.

For the operational phase, air quality impacts have assessed by modelling traffic emissions (NO₂) at the worst-case high sensitivity receptor (dwelling). The annual average concentration is shown to be in compliance with the limit value at the worst-case receptors in 2024 and 2039 and the maximum 1-hour NO₂ concentration is not predicted to be exceeded in any modelled year. Relative to baseline levels, there is predicted to be an imperceptible increase in NO₂ concentrations. Modelled concentrations of PM₁₀ for the baseline (2019) were in compliance with the annual limit value of 40 µg/m³ at all receptors and further modelling was not considered necessary. The overall impact on ambient air quality is considered long-term, localised, negative and imperceptible.

The predicted annual average NO_x concentration within the Douglas Estuary pNHA and Cork Harbour SPA exceeds the limit value of 30µg/m³ for the “Do Nothing” and “Do Something” scenarios. Appendix 9 of the TII guidelines (2011) state that an increase of more than 2µg/m³ in cases where the predicted concentrations (including background) are close to, or exceed the standard should be assessed by the project ecologist. However, the proposed development will only increase NO_x concentrations by a maximum of 0.06 µg/m³ and therefore effects are not predicted to be significant. The change in the NO₂ dry deposition rate along the 200m transect

within the pNHA and SPA is also only 0.003 Kg(N)/ha/yr and is well below the critical load for coastal habitats of 10-20 Kg(N)/ha/yr (TII,2011). Accordingly, the air quality effect on the pNHA and SPA is considered negative, long-term and imperceptible.

The traffic impact on emissions of CO₂ impacting climate were assessed using the DMRB criteria and it was determined that a detailed assessment was not required. A flood risk assessment has included mitigation measures for minimum floor/site levels and adequate attenuation/drainage means the impact on climate will be imperceptible. Energy efficient building design measures have also been included to minimise climate impacts.

In terms of cumulative impacts, the EIAR outlines that air and climatic factors have been considered as part of the SEA for the CCDP and that the proposal would be consistent with the SEA's preferred 'Compact Liveable Growth Scenario'. Other projects in the area have also been considered and no significant cumulative air and climate impacts are predicted.

The construction stage mitigation measures include a Dust Management Plan and monitoring to be incorporated into the CEMP; efficient use of vehicle engines; and minimisation of waste. The operational mitigation will be achieved by design as outlined in the Building Lifecycle Report. Following the implementation of these measures, any residual impacts are predicted to be imperceptible.

12.10.3. Assessment: Direct, Indirect, and Cumulative Effects

I would accept that the main air impacts will be restricted to construction-related dust and that this is unlikely to be significant when the proposed Dust Management Plan and other mitigation measures are implemented. I would also accept that traffic-related emissions at the construction and operational stages are unlikely to be significant; that the building design strategy will avoid any significant effects on air or climate; and that there would be no unacceptable climate-related flood risk to the site or adjoining lands.

12.10.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Air and Climate are, and will be mitigated as follows:

- Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in the Construction Environmental Management Plan.

12.11. Material Assets

12.11.1. Issues Raised

The submissions from the planning authority and prescribed bodies (TII & NTA) raise concerns about traffic congestion and safety on the national road network. The submission from Irish Water and the planning authority have confirmed that water services infrastructure can accommodate the proposed development subject to upgrade/conditions.

12.11.2. Examination, analysis and evaluation of the EIAR

Chapters 5 of the EIAR considers the impact of the development on the traffic and transport environment. It is based on the applicant's TTA (as previously discussed in section 10.6 of this report) and acknowledges that there will be 'significant' and 'very significant' impacts on various elements of the Mahon Interchange. The EIAR also considers the construction traffic impacts and estimates that HGV movements will be c. 30 no. trips daily over the construction phase and that there will be a maximum of 60-70 workers. It predicts that the construction traffic will result in an insignificant negative medium-term impact. The cumulative effects of other developments have been incorporated into the TTA and the EIAR highlights that the CCDP has been subject to SEA.

The proposed mitigation measures include best practice measures for construction stage. The operational measures include a review of junction signal operations; the design measures for active travel; and a Mobility Management Plan. No significant residual construction stage effects are predicted. And following the implementation of mitigation and monitoring measures, the residual operational effects are predicted to be 'Negative', 'Slight' and 'Permanent'.

Chapters 6 of the EIAR considers the impact on 'Services, Infrastructure & Utilities' including surface water, foul water, water supply, electricity, telecoms, and gas. The EIAR acknowledges the potential to disturb services and infrastructure at construction stage and mitigation measures are proposed to ensure their protection.

It also acknowledges that the operational phase will place additional demands on infrastructure but concludes that there will be adequate capacity subject to standard operational mitigation measures and consultation with relevant agencies and providers. The potential for cumulative effects with other projects will be managed and co-ordinated and the EIAR highlights that the CCDP has been subject to SEA. Following the implementation of mitigation and monitoring measures, no significant residual impacts are predicted.

12.11.3. Assessment: Direct, Indirect, and Cumulative Effects

I would accept that construction traffic impacts will not be significant. I have previously addressed the operational traffic impacts in section 10.6 of this report, and I acknowledge that there would be significant congestion effects on the Mahon Interchange junction. However, I am satisfied that the ultimate capacity of the junction will not be exceeded; that appropriate mitigation measures and conditions can be applied; and that the impacts would be acceptable having regard to the wider planning objectives which support the proposed development at this location.

Otherwise, I consider that an increased demand for material assets is an inevitable effect of new residential/mixed-use development. However, I am satisfied that the EIAR and the application documentation demonstrates that the assets in this area have sufficient capacity to accommodate the proposed development, and that the proposed mitigation measures will suitably manage the effects of same to avoid any unacceptable effects.

12.11.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Material Assets are, and will be mitigated as follows:

- Operational traffic impacts on the capacity of the Mahon Interchange (N4 National Road), which will be mitigated by measures to revise the junction signal operations; proposals to improve active/sustainable travel options; the reduction of office car-parking; and the implementation of a Mobility Management Plan.

12.12. Cultural Heritage

12.12.1. Issues Raised

The CCC CE Report outlines that the Elected Members raised concerns about the treatment of Lakelands House foundations and cellar.

12.12.2. Examination, analysis and evaluation of the EIAR

Chapter 12 of the EIAR comprises an assessment of the likely effects on the archaeological, architectural and cultural heritage environment. An examination of the baseline environment outlines that the site lies within the former demesne lands of Lakeland House (demolished in c. 1920). The only surviving remnants are a cellar which lies within the site and the remains of a warehouse situated 130m to the south. The site and surrounding area have been subject to ground disturbance over a lengthy period of time commencing with the construction of Lakeland demesne in the early 19th century.

There are no recorded archaeological sites listed in the RMP or SMR within the site and the closest are c. 230m to the north within Mahon Point Shopping Centre. There are no Protected Structures (PS) within the site and the closest is Bessborough House (>700m to the west). There are no Architectural Conservation Areas (ACA's) within the Study Area.

Having regard to the above, the EIAR does not predict any significant construction stage effects on archaeology or architectural sites. It acknowledges that the cellar is a Cultural Heritage Site but states that it will not be impacted due to proposed mitigation including a 10m buffer zone within a green open space. No evidence for Lakeland House was found following archaeological testing in 2003. Archaeological monitoring will be carried out during construction and any impact on remains found is predicted to be imperceptible. The cellar will remain in situ at operational stage and an information plaque/board will be erected. No significant operational effects are predicted. No significant cumulative effects are predicted and the EIAR highlights that the CCDP has already been subject to SEA.

12.12.3. Assessment: Direct, Indirect, and Cumulative Effects

I would accept that the site is sufficiently distanced from any protected structures/ACAs or known archaeological features to prevent any impacts on the

architectural or archaeological heritage resource. The impacts will therefore be acceptable subject to standard archaeological monitoring.

I acknowledge the cultural heritage value of the site's association with Lakeland House and the remaining cellar feature on site. However, I am satisfied that satisfactory proposals are included to protect the value of the cellar at construction and operational stage.

12.12.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there would be no significant direct, indirect, or cumulative effects on cultural heritage as a result of the proposed development.

12.13. Landscape

12.13.1. Issues Raised

None.

12.13.2. Examination, analysis and evaluation of the EIAR

Chapter 4 assesses the potential effects on the townscape and visual resource of the study area (1.5km radius) based on a Townscape and Visual Impact Assessment (TVIA) which was prepared having regard to guidance from the Landscape Institute (UK) & IEMA. It acknowledges that there will be temporary construction effects on sensitive receptors such as the adjoining houses to the south, but that visibility of construction works within the wider study area beyond 350m will be limited to the upper sections of the building construction including cranes. With regard to residual operational townscape effects, the EIAR assesses the significance based on the sensitivity of the receptor and the magnitude and quality of the effect. The impact is rated as 'moderate' to 'very significant' within the site and a 350m radius, while ratings are 'not significant' to 'moderate' within the 350m to 1.5km radius.

The residual visual effects are assessed based on photomontages illustrating representative viewpoints from 12 locations within the study area, which compare 'existing', 'proposed', and 'cumulative' (with permitted/indicative adjacent future development) views. Having regard to the sensitivity of views, the magnitude of change, and the quality of visual effects, the EIAR rates the impact on each view (including cumulative impacts) and does not identify any significant or negative

impacts. Construction mitigation measures will consist of temporary hoarding around the site. The operational mitigation measures are said to be inherent in the high-quality architecture, design and materials, and proposed landscaping measures.

12.13.3. Assessment: Direct, Indirect, and Cumulative Effects

I have considered the EIAR (including the Booklet of Photomontages in Volume IIIb – Appendices), the Design Statement, and all relevant drawings and design documentation on file. As outlined in section 10.7 of this report, I have considered the design, layout, and visual impact of the development and I am satisfied that it is acceptable in accordance with applicable local and national policy criteria. I have also carried out a site inspection and had regard to the nature of the site and the surrounding context. I consider that Jacob's Island can be described an area in transition, including a significant contrast between the 8-storey Sanctuary blocks and the lower density housing/duplex units along Longshore Avenue.

As would be expected in the case of any development of this scale, I would accept that the proposed development would result in significant change to the landscape and visual appearance of the area, particularly when taken in conjunction with the scale of other permitted developments. However, I consider that the scale and character of the proposed development would be consistent with the Sanctuary blocks and would consolidate the emerging character of the area, thus resolving the contrast that currently exists with the lower-density development. Furthermore, the proposed development would be consistent with permitted development in the form of the SHD development to the east and southeast (ABP Ref. 301991) and the office/hotel development to the north and northwest (ABP Ref. 314420-22). These permitted developments would effectively mean that the proposed development would be surrounded by development of a similar or larger height/scale to the east, north, and west. Having regard to the foregoing, I consider that the impact would be consistent with the urban expansion of Cork as envisioned in the CCDP and would not result in any unacceptable impacts on landscape or visual amenity.

12.13.4. Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Landscape are, and will be mitigated as follows:

- Changes to the landscape character associated with the development of this greenfield site, which will be mitigated by the design and layout of the proposed development, including the retention of existing vegetation and the provision of additional landscaping and open spaces.

12.14. Interactions

12.14.1. Issues Raised

The submissions from the Planning Authority and Prescribed Bodies (TII & NTA) raise concerns about impacts on the national road network (Material Assets) and associated traffic safety concerns (Human Health).

12.14.2. Examination, analysis and evaluation of the EIAR

The EIAR considers the potential for interactions between environmental factors as part of the assessment in each Chapter, and these are consolidated in Chapter 14 of the EIAR. The potential for interactions is summarised in Appendix 2 of this report.

12.14.3. Assessment: Direct, Indirect, and Cumulative Effects

Having regard to the foregoing assessment, I am satisfied that the potential for any significant adverse impact has been appropriately mitigated through the measures identified in each Chapter of the EIAR. I consider that the EIAR has adequately identified the potential for interactive impacts with other environmental factors, but I am satisfied that the proposed mitigation measures will similarly ensure that there will be no unacceptable interactive impacts.

12.14.4. Conclusion: Direct, Indirect, and Cumulative Effects

I am satisfied that the potential for interactive impacts has been adequately considered and identified. I consider that, subject to the proposed mitigation measures and the recommended conditions of any permission, there would be no significant direct, indirect, or cumulative interactive effects as a result of the proposed development.

12.15. Reasoned Conclusion

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

well as the submissions received from the planning authority, prescribed bodies and third parties in the course of the application, I consider that the main significant direct, indirect, and cumulative effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Dust Minimisation Plan and a traffic management plan.
- Population and Human Health: Positive socioeconomic effects at operational stage through the availability of additional housing and employment space, together with the provision of additional services, amenities, open space, recreational improvements, and sustainable transport options.
- Biodiversity: Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- Biodiversity: Potential construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and the operational surface water drainage system.
- Biodiversity: Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes.
- Land & Soil: Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- Land & Soil: Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.

- Water: Impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.
- Air: Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in a Construction Environmental Management Plan.
- Material Assets: Operational traffic impacts on the capacity of the Mahon Interchange (N4 National Road), which will be mitigated by measures to revise the junction signal operations; proposals to improve active/sustainable travel options; the reduction of office car-parking; and the implementation of a Mobility Management Plan.
- Landscape: Changes to landscape character which will be mitigated by the design and layout of the proposal, including the retention of existing vegetation and the provision of additional landscaping and open space.

12.15.2. Having regard to the foregoing, I am satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the environment.

13.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission be GRANTED for the proposed development, subject to conditions, and for the reasons and considerations set out in the following Draft Order.

14.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 28th June 2022 by Hibernia Star Limited, care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, Co. Cork, P31 KP84.

Proposed Development comprises of the following:

The construction of 489 no. apartments, creche and offices in 5 no. 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 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 sqm) 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 creche over 2 no. levels (381 sqm) 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.

Decision

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

Reasons and Considerations

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

- (a) The location of the site within the built-up and serviced urban area and the zoning of the site for 'Mixed Use Development', which includes residential, offices, and the other ancillary uses proposed;
- (b) The policies and objectives of the Cork City Development Plan 2022-2028;
- (c) The provisions of 'Housing for All – A New Housing Plan for Ireland', by the Department of Housing, Local Government and Heritage (September 2021);
- (d) the National Planning Framework which identifies the importance of compact growth in the built-up area of Cork City;
- (e) the Climate Action Plan 2024, prepared by the Government of Ireland;
- (f) the provisions of the Cork Metropolitan Area Strategic Plan as part of the Regional Spatial & Economic Strategy (RSES) for the Southern Region;

- (g) The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), issued by the Department of Housing, Local Government and Heritage;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage in July 2023;
- (j) 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 2019;
- (k) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009;
- (l) Childcare Facilities – Guidelines for Planning Authorities, issued by the Government of Ireland (June 2001);
- (m) Spatial Planning and National Roads - Guidelines for Planning Authorities (January 2012), issued by Department of Environment, Community & Local Government;
- (n) The nature, scale and design of the proposed development;
- (o) The availability in the area of a wide range of social, transport and water services infrastructure;
- (p) The pattern of existing and permitted development in the area;
- (q) The submissions and observations received;
- (r) The Chief Executive's Report from Cork City Council;
- (s) The report and recommendation of the Planning Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale, and location of the proposed development, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, the Appropriate Assessment documentation submitted with the application, the submissions and observations on file, the reports of the planning authority, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector in that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Great Island Channel SAC and Cork Harbour SPA cannot be excluded, and that Appropriate Assessment (Stage 2) is, therefore, required.

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment:

- Blackwater (Cork/Waterford) SAC
- Ballymacoda (Clonpriest and Pillmore) SAC
- Courtmacsherry Estuary SAC
- The Gearagh SAC
- The Gearagh SPA
- Blackwater Callows SPA
- Ballycotton Bay SPA
- Ballymacoda Bay SPA
- Blackwater Estuary SPA
- Sovereign Islands SPA.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for Great Island Channel SAC and Cork Harbour SPA in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- The site-specific Conservation Objectives for these European Sites,
- The current conservation status, threats and pressures of the qualifying interest features,
- The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- Submissions from observers, prescribed bodies and the reports of the Planning Authority, and
- The avoidance, mitigation, and monitoring measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on Great Island Channel SAC and Cork Harbour SPA. The Board identified that the main likely impacts arising from the proposed development on the European Sites would arise from construction stage surface water and ground water quality impacts.

Having regard to these potential impacts and the avoidance, mitigation, and monitoring measures as set out in the Natura Impact Statement, the Board concluded that the proposed development, subject to the identified mitigation measures, would not adversely affect any of the habitats or species within the relevant European sites.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites'

conversation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location, and extent of the proposed development;
- (b) The Environmental Impact Assessment Report and associated documentation submitted with the application;
- (c) The reports and submissions received from the planning authorities, observers, and prescribed bodies; and
- (d) The report of the Planning Inspector.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Population and Human Health:** Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan, a Dust Minimisation Plan and a traffic management plan.
- **Population and Human Health:** Positive socioeconomic effects at operational stage through the availability of additional housing and employment space, together with the provision of additional services, amenities, open space, recreational improvements, and sustainable transport options.
- **Biodiversity:** Construction stage loss and/or damage of habitat which will be mitigated by the protection of existing habitats, the carrying out of new planting, and biosecurity protocols.
- **Biodiversity:** Potential construction and operational impacts on water quality which will be mitigated by a Construction and Environmental Management Plan and the operational surface water drainage system.
- **Biodiversity:** Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, lighting design, existing and proposed landscaping, the appropriate timing of works, and the installation of bat boxes.
- **Land & Soil:** Loss of land, soil, and geology, which would be replaced by appropriate development and improved amenities in accordance with the proper planning and sustainable development of the area.
- **Land & Soil:** Construction stage impacts relating to dust/dirt pollution, groundwater interference, and soil contamination, which would be mitigated by the Construction and Environmental Management Plan and other measures proposed in the EIAR.
- **Water:** Impacts on groundwater and surface water quality, which will be mitigated by standard good practice construction stage measures including a Construction Environmental Management Plan, and by the implementation of

suitably designed drainage infrastructure and Sustainable Urban Drainage System (SuDS) measures.

- **Air:** Construction stage dust emissions, which will be mitigated by a Dust Management Plan and standard good practice construction stage measures outlined in a Construction Environmental Management Plan.
- **Material Assets:** Operational traffic impacts on the capacity of the Mahon Interchange (N4 National Road), which will be mitigated by measures to revise the junction signal operations; proposals to improve active/sustainable travel options; the reduction of office car-parking; and the implementation of a Mobility Management Plan.
- **Landscape:** Changes to landscape character which will be mitigated by the design and layout of the proposal, including the retention of existing vegetation and the provision of additional landscaping and open space

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the proposed mitigation measures as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning provisions of the Cork City Development Plan 2022-2028, would constitute an acceptable quantum of development at this location which would be served by an appropriate level of existing and planned public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would not have any unacceptable impacts on the operations or safety

of the N40 National Road or the associated road network, would not be at risk of flooding or increasing the risk of flooding to other lands, and would be capable of being adequately served by wastewater, surface water, and water supply infrastructure.

The Board considered that, with the exception of the proposed density of development; building height; housing mix; and office parking; the proposed development would be compliant with the Cork City Development Plan 2022-2028.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plan for the area, it would materially contravene objectives relating to the proposed density of development; building height; housing mix; and office parking.

The Board considered it appropriate to include a condition requiring the reduction of office car parking to 27 no. spaces, which would be consistent with Table 11.13 of the Cork City Development Plan 2022-2028, thereby avoiding a material contravention in this respect.

Furthermore, the Board considered that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, a grant of permission, in material contravention of the Development Plan, would be justified for the following reasons and considerations:

Strategic or national importance

The proposed development would be of strategic or national importance in accordance with section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, having regard to:

- The strategic nature and scale of the development and its classification as 'strategic housing development' as per the definition in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.
- The importance placed on Cork City in the National Planning Framework as being critical to further enhancing Ireland's metropolitan profile and National Planning Objective 3 (b) which aims to deliver at least 50% of all new homes targeted for Cork within the existing built-up footprints.

- The current national housing shortage and national policy to substantially increase national housing output as set out in 'Housing For All' and the National Planning Framework.
- The provisions of the Cork Metropolitan Area Strategic Plan as contained in the Regional Spatial & Economic Strategy for the Southern Region, including Objective 1a which is to strengthen the role of the Cork Metropolitan Area as an international location of scale and a primary driver of economic and population growth in the Region, and Section 7.2 which identifies Mahon as a Strategic Residential and Regeneration Area.
- The Core Strategy of the Cork City Development Plan which includes the site within the 'Mahon' District Centre, and Figures 2.21 and 2.22 which identify the site as a 'Tier 1' site targeted for 'compact growth' within the 'Existing Built-up footprint'.

Density

Permission for the proposed development should be granted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to:

- The suitability of the proposed density having regard to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (Department of Housing, Local Government and Heritage, 2024), including Policy and Objective 3.1 and sections 3.3 and 3.4.

Building Height

As per section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended, there are conflicting objectives in the Cork City Development Plan 2022-2028 insofar as the proposed development is concerned:

- While Objective 3.5 and Table 11.1 of the Development Plan outline target building heights of 4-6 storeys for Mahon, the proposed development would be supported by Objective 10.90 which is to provide for '*development ranging in height from 4 to 10 storeys on Jacob's Island*'.

Permission for the proposed development should be granted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to:

- The support for increased building height in the National Planning Framework, including National Planning Objectives 13 and 35.
- The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (Department of Housing, Planning and Local Government, 2018), including compliance with Specific Planning Policy Requirement 3.

Permission for the proposed development should be granted in accordance with section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, having regard to:

- The decision of An Bord Pleanála to grant permission under ABP Ref. 314420-22 on the adjoining site to the northwest, including a height of up to 10-storeys over basement level.

Housing Mix

As per section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended, there are conflicting objectives in the Cork City Development Plan 2022-2028 insofar as the proposed development is concerned:

- The prescribed housing mix requirements of Objective 11.2 and Table 11.8 of the Development Plan conflict with Policy Objective PO1 of the accompanying Housing Strategy & Housing Need Demand Assessment which requires the submission of a Statement of Housing Mix detailing the proposed housing mix and why it is considered appropriate in meeting in the needs of an area.

Permission for the proposed development should be granted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, as follows:

- Having concluded that the basis for Objective 11.2 and Table 11.8 of the Development Plan is not supported by evidence in the accompanying Housing Strategy & Housing Need Demand Assessment, the proposed development would comply with Specific Planning Policy Requirement 1 of 'Sustainable

Urban Housing: Design Standards for New Apartments' (Department of Housing, Local Government and Heritage, 2023).

Therefore, the Board concluded that the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th day of June 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The proposed development shall be amended as follows:

- (a) The total number of office car parking spaces shall be reduced to a maximum of 27 spaces, which shall be provided within the proposed undercroft space at Level G2 of Block 12.
- (b) The surplus spaces within the undercroft space shall be replaced with facilities to support sustainable transport modes.
- (c) The surplus office parking spaces proposed at surface level (i.e. to the northeast of Block 12) shall be replaced with open space, landscaping and facilities to support sustainable transport modes.

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

Reason: In the interest of encouraging sustainable modes of transport.

5. Provision shall be made to increase the capacity of the Mahon Interchange through revised signal and timing operations and/or as may otherwise be agreed with the planning authority. Details of such provision shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and following consultation with Transport Infrastructure Ireland. The works shall be provided in accordance with the agreed details prior to first occupation of any of the proposed units. All costs associated with the design, construction and supervision of the works shall be paid for by the applicant.

Reason: In the interest of traffic safety and convenience.

6. The applicant shall provide the necessary set-back to accommodate 'Sustainable Transport Corridor J – Mahon to City' as proposed under Bus Connects Cork. Details of such provision shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and following consultation with the National Transport Authority.

Reason: To facilitate sustainable transportation.

7. (a) At least 1,145 no. safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
(b) Details of the operation and maintenance of the cycle storage facilities shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

8. The applicant shall carry out works to either upgrade or provide new pedestrian/cyclist crossing facilities from the development to the Passage Greenway via the Lough Mahon walkway, and to enhance priority and routing for pedestrians from the development to the Mahon Shopping Centre. Proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of encouraging sustainable modes of transport.

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

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

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

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

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs, and the underground car parks shall comply with the detailed construction standards of the planning

authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS). Details of all locations and materials to be used shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

13. A minimum of 10% of the proposed car parking spaces shall be provided with electric vehicle charging stations or points. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

14. Prior to the opening or occupation of the development, a Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by residents and staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

15. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall be consistent with the biodiversity mitigation measures outlined in the Natura Impact Statement and Environmental Impact Statement. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the

provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

17. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

18. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

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

19. (a) The landscaping scheme as shown on drawings and reports number submitted to An Bord Pleanála on the 28th day of June 2022 shall be carried out within the first planting season following substantial completion of external construction works.

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

Reason: In the interest of residential and visual amenity.

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development.

Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

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

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

Reason: In the interest of proper planning and sustainable development

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

23. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

24. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

25. All mitigation measures in relation to archaeology and cultural heritage as set out in the Environmental Impact Assessment Report included in application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

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

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

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

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

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

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

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

Stephen Ward
Senior Planning Inspector

8th October 2024

Appendix 1

AA Screening Determination

Screening for Appropriate Assessment Screening Determination

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

1. Description of the project

The subject site has a gross area of c.3.95 ha and is located in the southeastern suburbs of Cork City. It is part of Jacob's Island, which is a small peninsula extending into Lough Mahon. The nearest Natura 2000 site (Cork Harbour SPA) ranges from c. 150-200 metres to the south, east, and west of the application site (i.e. along the Lough Mahon shoreline). The Great Island Chanel SAC is c. 3.8km to the east of the site across Lough Mahon.

The proposed development mainly involves the construction of 489 no. apartments, creche and offices in 5 no. blocks ranging in height from part-1 to part-8 no. storeys over lower ground and semi-basement podium levels. It would also provide 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. Surface water drainage will be gathered in a dedicated system and connect to existing sewers which outfall directly to Lough Mahon. Attenuation is not proposed but hydrocarbon

interceptors will be provided. Foul drainage has been designed as a completely separate system which will discharge to the existing manholes at two discharge points.

No submissions have been received in relation to impacts on European Sites. The Planning Authority acknowledged the applicant's NIS (including AA Screening Report) and states that it is a matter for An Bord Pleanála, as the competent authority, to carry out the appropriate assessment and to identify, describe and assess the direct and indirect effects of the proposed development on environmental factors and to reach a reasoned conclusion.

2. Potential impact mechanisms from the project

Habitat Impact

The site is not within or directly adjoining any Natura 2000 sites. It is separated from Cork Harbour SPA by c. 150-200m and is screened by a significant element of existing development. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance.

Furthermore, Jacob's Island is largely dominated by scrub and does not support habitat suitable for use by field feeding bird species associated with Cork Harbour SPA. The applicant's NIS details previous site surveys carried out and does not include any recorded use by birds of conservation interest. The site was also surveyed for this application on 21st September 2021 and no bird species associated with Cork Harbour SPA were recorded using the site. Accordingly, I am satisfied that the site is not a significant ex-situ foraging or roosting site for QI bird species.

Surface Water

There is a pathway in respect of the discharge to Lough Mahon and the Cork Harbour SPA and Great Island Channel SAC. There are potential impacts at construction stage relating to construction-related pollutions, as well as operational impacts in terms of the quantity and quality of surface water discharge.

Ground Water

There is also a potential hydrogeological pathway. During groundworks and other construction activities, the ground will be exposed and any potential accidental discharges to ground could potentially migrate vertically downward to the underlying groundwater, contributing to the hydrological pathway to the European sites in Lough Mahon / Cork Harbour (Cork Harbour SPA and Great Island Channel SAC).

Disturbance

The construction and operational phases have the potential for disturbance related to increased dust, noise, lighting, and human activity. Given the distance between the site and the nearest designated sites (150 metres), together with the location of the site adjoining the expanding urban area and the screening/buffer provided by existing development and vegetation, I do not consider that there is potential for significant construction-related disturbance effects. However, given the height and scale of the proposal and associated lighting etc., I consider that the potential for impacts on bird flight lines / collision requires further investigation with regard to the QIs of Cork Harbour SPA.

Wastewater

There is an indirect pathway to the European Sites within Lough Mahon / Cork Harbour via the discharge of foul water to Carrigrennan WWTP. According to the 2022 Annual Environmental Report (AER), the discharge from the WwTP does not have an observable impact on water quality or WFD status. The WwTP has a capacity of 413,200 (P.E.) and a peak collected load of 231,000 (P.E) according to the 2022 AER and capacity at the plant is not expected to be exceeded in the next three years. A pre-connection application was submitted to Irish

Water and a confirmation of feasibility was received indicating that connection is feasible subject to upgrades relating to the Mahon South Pump Station and to the existing 225mm diameter foul sewer. As such, the potential indirect pathway to the Cork Harbour SPA and Great Island Channel SAC via the discharge of treated effluent from Carrigrennan WwTP is deemed insignificant.

Invasive Species

No invasive species were recorded within the site boundaries. Japanese knotweed (*Fallopia japonica*) and Bohemian knotweed (*Fallopia bohemica*) have been recorded on adjoining lands within the broader Masterplan site and will be considered in the context of cumulative impacts.

Other European Sites and potential Impact Mechanisms

I have noted the range of other European Sites in the wider environment. The next nearest SAC is the River Blackwater (Cork/Waterford) SAC (c.17km), and the next nearest SPA is the Sovereign Islands SPA (c. 23km). Having regard to the nature of the site and its distance and lack of connectivity with these Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms within the zone of influence of the development.

3. European Sites at risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk are outlined in the following table.

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	European Site(s)	Qualifying interest features at risk	Impact pathway/Zone of influence
Surface / groundwater drainage	Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide; Atlantic salt meadows.	Surface water - Discharges to Lough Mahon and has potential for construction and operational pathways.
	Cork Harbour SPA	Little Grebe; Great Crested Grebe; Cormorant; Grey Heron; Shelduck; Wigeon; Teal; Pintail; Shoveler; Red-breasted Merganser; Oystercatcher; Golden Plover; Grey Plover; Lapwing; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Common Tern; Wetland and Waterbirds.	Groundwater - Much of the site is characterised by made ground and site excavation works will be limited. However, although the application outlines that previous investigation works indicate a groundwater level of >5m which would not be significantly affected by the proposed works, further investigation of groundwater levels is required, and this requires further consideration.
Species Disturbance	Cork Harbour SPA	As above.	As previously outlined, construction-related disturbance is not likely to be significant. Bird species would also be accustomed to human activity in this area and additional housing is unlikely to significantly affect this. Any increase in illumination is likely to be localised and is not anticipated to negatively impact upon species. However, given the height and scale of the

			proposed development and its proximity to the SPA, I consider that further investigation of collision risk is required.
Wastewater discharge	Great Island Channel SAC	As above	There is an indirect pathway via the wastewater discharge from Carrigrennan WWTP. However, as outlined above, the potential for significant effects can be excluded given the capacity and treatment standard at the plant.
	Cork Harbour SPA	As above	
Invasive Species	Great Island Channel SAC	As above	Invasive species on the adjoining lands has the potential to have in-combination / cumulative effects with the proposed development.
	Cork Harbour SPA	As above	

Having regard to the above table, Cork Harbour SPA and Great Island Channel SAC are considered to be the only Natura 2000 sites at risk from the proposed development.

Great Island Channel SAC is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports. Much of the site falls within Cork Harbour Special Protection Area, an important bird area designated under the E.U. Birds Directive. While the main land use within the site is aquaculture (oyster farming), the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments. The site is of major importance for the two habitats listed on Annex I of the E.U. Habitats Directive, as well as for its important numbers of wintering waders and wildfowl. It also supports a good invertebrate fauna.

Cork Harbour SPA comprises most of the main intertidal areas of Cork Harbour. It is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone'.

Construction Stage

The construction stage includes potential for sediment or pollutants such as hydrocarbons to be discharged to Cork Harbour via surface water and groundwater flows. Notwithstanding the fact that such indirect impacts are unlikely to arise, the application outlines that a number of measures have been designed and will be implemented in order to ensure that there are no adverse effects on European Sites. I consider that many of the measures comprise standard best practice construction measures which, it could be argued, would be applied even in the absence of any potential impacts on European Sites. However, I note that the applicant's report has been guided by the 'precautionary principle' and I consider this to be a reasonable approach.

The construction stage also has the potential to have significant disturbance effects for species within the SPA, including potential bird collision impacts.

Operational Stage

Surface waters will discharge to the network which ultimately outfalls to Lough Mahon, which includes potential for contamination from hydrocarbons associated with the proposed new traffic routes and car-parking areas etc. The Greater Dublin Strategic Drainage Study (GDSDS) Vol. 2 Section E2.1 requires provision of interception and/or treatment volume for River Water Quality Protection. It is noted that the point of outfall of the sewer is directly into the Lough Mahon and as recognised in the GDSDS (S. 6.3.3.4) attenuation is not required in such circumstances where the point of outfall is into an estuary. Attenuation is not therefore proposed for the current application. However, hydrocarbon interceptors will be provided for all discharge generated off the newly added carparking area and traffic routes. SuDS measures will also be included such as green roofs and podium landscaping, hydrocarbon interceptors and non-return valves, as well as tree pits, swales and soakaways.

I consider that these operational surface water measures form an integral part of the scheme and have not been included for the purpose of reducing or avoiding impact on European Sites (i.e. not mitigation measures). SuDS measures are standard practice and would be included and/or required even in the absence of any pathway to European Sites. Therefore, I am satisfied that SuDS measures can be considered in the screening consideration and that this would provide further clarity that the potential for significant operational surface water effects on European Sites can be excluded.

The operational stage also has the potential to have significant disturbance effects for species within the SPA, including potential bird collision impacts.

Table 2: Could the project undermine the conservation objectives 'alone'		
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?
Cork Harbour SPA		
Little Grebe; Great Crested Grebe; Cormorant; Grey Heron; Shelduck; Wigeon; Teal; Pintail; Shoveler; Red-breasted Merganser; Oystercatcher; Golden Plover; Grey Plover; Lapwing; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Greenshank; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Common Tern; Wetland and Waterbirds	To maintain the favourable conservation condition.	Yes
Great Channel Island SAC		
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition.	Yes
Atlantic salt meadows	To restore the favourable conservation condition	Yes

Conclusion

I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Great Island Channel SAC and Cork Harbour SPA from construction stage effects associated with surface water quality and ground water quality, and the operational stage effects associated with species disturbance, cannot be excluded. In accordance with the precautionary principle, an Appropriate Assessment is required on the basis of the effects of the project 'alone'.

In this regard, I would also highlight the Board's recent decision in a similar case on the adjoining site (ABP Ref. 314420-22), which included a Stage 2 Appropriate Assessment of potential effects on Cork Harbour SPA and Great Island Channel SAC.

Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of Great Island Channel SAC and Cork Harbour SPA cannot be excluded. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The zone of influence of potential impacts;
- The potential for construction-related impacts on water quality and construction/operational disturbance impacts within the European Sites and related impacts on habitat loss and/or alteration; habitat / species fragmentation; disturbance / displacement of species; and changes in population density;
- The application of the precautionary approach;
- Proximity to European Sites and the potential for pathways to same; and
- The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

Appendix 2

EIAR - Potential Interaction of Effects Matrix for the proposed development ('x' indicates an interaction)

Interaction	Landscape & Visual	Traffic & Transport	Services, Infrastructure, Utilities	Land, Soils & Geology	Water	Biodiversity	Noise & Vibration	Air & Climate	Cultural Heritage	Population & Human Health
Landscape & Visual		X	X	X			X		X	X
Traffic & Transport	X		X	X	X	X	X	X		X
Services, Infrastructure, Utilities	X	X		X	X	X	X	X		X
Land, Soils, Geology	X	X	X		X	X	X	X	X	X
Water	X	X	X	X		X				X
Biodiversity	X	X	X	X	X		X	X		
Noise & Vibration		X	X			X		X		X
Air & Climate		X	X	X		X	X			X
Cultural Heritage	X			X						X
Population & Human Health	X	X	X	X	X		X	X	X	