



COAKLEY O'NEILL  
town planning

# Statement of Material Contravention

Strategic Housing Development at  
Old Whitechurch Road, Kilbarry, Cork City

Prepared in June 2022 on behalf of  
**Cork County GAA Board**

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## 1.0 INTRODUCTION

- 1.1 We, Coakley O'Neill Town Planning Ltd., NSC Campus, Mahon, Cork, have been instructed by our clients, the Cork County GAA Board, to prepare this Material Contravention Statement to accompany a planning application for a proposed Strategic Housing Development of 319no. residential dwellings at a site off the Old Whitechurch Road in Kilbarry, Cork City.
- 1.2 This Statement sets out a justification as to why the Board may grant planning permission for the proposed development in the context of Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended).

## 2.0 LEGISLATIVE CONTEXT

### **Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended)**

- 2.1 Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended) sets out the following in relation to developments which materially contravene the policies and objectives of a Development Plan:

- (a) 'Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application Planning and Development (Housing) [2016.] and Residential Tenancies Act 2016 under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.*
- (b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*
- (c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'*

- 2.2 Section 37(2) of the Planning and Development Act, 2000 (as amended) states the following in relation to material contravention:

- (a) 'Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.*
- (b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—*
- i. the proposed development is of strategic or national importance,*

- ii. *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- iii. *permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*
- iv. *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

### 3.0 PROPOSED DEVELOPMENT AND RELEVANT PLANNING POLICIES

3.1 As described in the public notices, the proposed development will consist of a Strategic Housing Development of 319no. residential dwellings comprising of 85no. semi-detached units (comprising of 17no. 4-bed units and 68no. 3-bed units), 118no. terraced units (comprising of 8no. 4-bed units, 60no. 3-bed units and 50no. 2-bed units), 53no. duplex units (comprising of 26no. 1-bed units, 25no. 2-bed units and 2no. 3-bed units) and 63no. apartments (in 3no. part 4 storey and part 5-storey blocks and comprising 15no. 1-bed units and 48no. 2-bed units). The development also includes the provision of a crèche facility (519sqm) and a riverside amenity park to the north and northeast of the site. The proposed total gross floor area is 33,718.35sqm.

The proposed development will also consist of the demolition of a disused hurley manufacturing factory and associated out buildings, the removal and replacement of the southern and eastern boundary treatments, as well the creation of formalised walking paths to replace the informal walking paths located to the north of the site, a new through road from the proposed site access on the Old Whitechurch Road to Delaney's GAA Grounds and accessing the Upper Dublin Hill Road, with associated new boundary treatments at Delaney's GAA club, all associated ancillary site development and hard and soft landscaping works, to include the provision of private, communal and public open space, waste storage areas, bicycle, motorcycle and car parking, including EV and disabled parking, esb substations, groundworks, foul drainage works, stormwater drainage proposals including directional drilling for the stormwater outfall, water supply proposals, public lighting, and all new boundary treatments.

3.2 No material contravention issues arise in relation to the zoning of the lands. Residential development is confined to the lands zoned for such uses in the Cork City Development Plan 2022-2028<sup>1</sup> ('the Plan'). Open space zoned land is to be developed as a public park and road upgrading works on lands along the existing access road and at Delaney's car park are in keeping with the sports and residential zonings there.

3.3 The proposed development involves a dwelling size mix as follows: 1-bed (12.85%); 2-bed (39.56%); 3-bed (40.75%); and 4-bed (7.84%). As such, paragraphs 2.40, 2.41, Table 11.8, Figure 2.17, Objectives. 3.6 and 11.2 of the Plan apply, which are as follows:

<sup>1</sup> Note some of the paragraph, figure and objective numbers cited in this section may change slightly as the final adopted plan was not available at time of writing.

3.4 With regard to dwelling mix, paragraph 2.40 of the Plan states the following:

*"Trends over the last 20 years show an increasingly urbanised global and national population. Cork City has begun to experience this trend more recently, with the population living in the city centre growing by 19% during the last census period (2011-2016). This growth was four times the rate experienced within the wider city (+5%) and occurred during a period of very low new residential development.*

*Changes in household size have a significant impact on population growth. Ireland recorded an average household size of 2.75 in Census 2016. Cork City recorded a smaller AHS [Average Household Size] of 2.63 with notable differences at neighbourhood level, ranging from 1.74 in St. Luke's to 3.25 in Frankfield. Figure 2.17 illustrates the range and variety in AHS across the city." [emphasis added]*

Figure 2.17 of the Plan is as follows:



Figure 1. Figure 2.17 of the Plan (annotated Coakley O'Neill)

Paragraph 2.41 of the Plan states the following:

*"The Joint Cork Housing Strategy and Housing Need Demand Assessment (HNDA) 2022-2028 has carried out detailed assessment to help predict and plan for changes in future AHS during the plan period and beyond.*

*The strategy sets out a city-wide average household size target of 2.49 for the Plan period based on a changing average household size from 2022-2028." [emphasis added]*

Objective 3.6 "Housing Mix" is as follows:

*"Cork City Council will seek to:*

- a. Implement the provisions of the Joint Housing Strategy and HNDA as far as they relate to Cork City;
- b. Encourage the development of an appropriate mix of dwelling types to meet target residential densities, utilising a range of dwelling types and density typologies informed by best practice (as illustrated in "Density Done Well" in the Cork City Density Strategy, Building Height, and Tall Building Strategy) with combinations of houses, stacked units and apartments;
- c. Within all new residential developments it will be necessary to ensure an appropriate balance of housing tenure and dwelling size to sustain balanced and inclusive communities, including a balance of family-sized units and smaller dwellings tailored to suit the location (please refer to Chapter 11: Placemaking and Managing Development for those standards);
- d. Deliver at least 20% below-market priced housing across Cork City and ideally within each new residential neighbourhood;
- e. Encourage the provision of housing for one and two person households in all neighbourhoods to meet the needs of all age groups, including providing for downsizing to release family housing units;
- f. Update Development Plan policy as necessary to reflect emerging national guidance with regard to housing standards."

Objective 11.2 "Dwelling Size Mix" of the Plan is as follows:

"All planning applications for residential developments or mixed-use developments comprising more than 50 dwellings will be required to comply with the target dwelling size mix specified in Tables 11.3-11.9, apart from in exceptional circumstances.

*Applications for 10-50 dwellings will need to provide a dwelling size mix that benefits from the flexibility provided by the dwelling size target ranges provided for the respective sub-area.*

*Purpose-Built Student Accommodation schemes will be exempt from dwelling size mix targets.*

*Where there is a target for student accommodation, and it can be demonstrated that this demand has been provided for within the area, then this demand can be reassigned to other dwelling sizes according to the relative target proportions.*

*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." [emphasis added]*

Table 11.8 "City Suburbs Dwelling Size Mix for Housing Developments" of the Plan presents the dwelling size mix for housing developments in the city suburbs and is as follows:

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

**Figure 2. Table 11.8 of the Plan**

3.5 The proposed housing mix does not align with that set out in the Plan as illustrated in Table 1 below:

Unit	Max % Mix	Target % Mix	Proposed Mix
<b>1 bedroom</b>	<b>25%</b>	<b>20%</b>	<b>12.85%</b>
<b>2 bedroom</b>	<b>40%</b>	<b>34%</b>	<b>38.56%</b>
<b>3 bedroom</b>	<b>38%</b>	<b>28%</b>	<b>40.75%</b>
<b>4 bedroom / Larger</b>	<b>15%</b>	<b>8%</b>	<b>7.84%</b>

**Table 1: Proposed Housing Mix compared to the maximum/target mix of the Plan**

3.6 The proposed number of 3-bed units marginally exceeds the maximum set out in the Plan. The percentage exceedance of 2.75% equates to between 8 to 9 residential units. In the context of the overall scheme and the scale and extent of development in the immediate area and across the northside of the city, this exceedance is not considered material or significant. However, on the basis that a material contravention of the Plan may occur, this statement has been prepared.

3.7 The proposed development has a net density of 38.77 units per hectare which falls below the target density set out for the North Blackpool / Kilbarry area of the Plan which is between 40 and 100 units per hectare. The proposed residential density at 38.77 units per hectare falls slightly short of the Target density in the Plan for this location of 40 units per hectare. We also consider that this slight shortfall, equating to 1.23% or a total of 10no. units, is not materially significant. Again, however, on the basis that a material contravention of the Plan may occur, this statement has been prepared.

3.8 Paragraphs 3.24, 11.31, 11.69, 11.70 and 11.71, Table 11.2 and Objective 3.5 of the Plan in relation to density apply, and are as follows:

Paragraph 3.24 states:

*Greenfield sites will need to be developed to densities that reflect their suitability for urban density. This will require a step-change in the urban density of schemes being proposed. As a general rule the minimum density shall be 35 dwellings per hectare (net density), excluding one-off houses.*

Objective 3.5 Residential Density:

*Cork City Council will seek to:*

- a. Promote compact urban growth by encouraging higher densities throughout Cork City according to the Cork City Density Strategy, Building Height and Tall Building Study and resultant standards set out in Chapter 11: Placemaking and Managing Development and Mapped Objectives; and*
- b. Ensure that urban density is achieved by development proposals providing for high quality sustainable residential development, ensure a balance between the protection of the established character of the surrounding area and existing residential amenities;*
- c. Ensure that urban density is closely linked to creating successful neighbourhoods (see 3-A-1, above) and ensuring that neighbourhoods are integrated and permeable to ensure short trips are possible to urban centres, local services and amenities;*
- d. Ensuring high-quality architectural, urban and public realm design. Guidance is set out in Chapter 11: Placemaking and Managing Development.*

Paragraph 11.31 advises:

*An understanding of the character of an area is essential to inform strategies for the development of sites and areas. The Cork City Urban Density, Building Height and Tall Building Study 2021 sets out an assessment of prevailing height based upon an analysis of building heights in Cork City's 44 neighbourhoods.*

Paragraph[s] 11.69, 11.70 and 11.71 read as follows:

*11.69 Density is a measure of the relationship between buildings and their surrounding public and private space. The Cork City Urban Density, Building Height and Tall Buildings Study provides the basis for the densities set out below in this Development Plan.*

*11.70 The most appropriate measure of residential density will be in the form of dwellings per hectare (DPH) for residential or predominantly residential developments. Plot ratio is most useful in establishing development capacity and in relation to mixed use schemes that are predominantly non-residential in nature.*

*11.71 Most of Cork City has been designed around the use of the private car and is built at densities of less than 25 dwellings per hectare in traditional suburban formats, with one particular model of dwelling type, gardens, amenity space and parking. Developing Cork City as a compact city will require the city to be built at higher densities utilising different models of development. Most of the new development in Cork City and the Urban Towns will be built at a "gentle density" of 40-70dph and a scale of 2-4 storeys. Some areas will be developed at densities higher than this (e.g. the City Centre, City Docks, Tivoli Docks, the inner city areas, Blackpool and the light rail corridor at Wilton and Mahon).*

Residential densities are set out in Table 11.2 in the Plan. Densities are expressed in terms of target minimums and maximums for the constituent areas of the City. The target density for north Blackpool is between 40 and 100 units per hectare

3.9 This statement considers the proposed development in the context of paragraphs 2.40, 2.41, Table 11.8, Figure 2.17, Objective 11.2, paragraphs 3.24, 11.31, 11.69, 11.70 and 11.71, Table 11.2 and Objective 3.5 of the Plan.

3.10 The proposed development may also materially contravene the car parking provisions of the Plan. Although it is unclear at the time of writing of this report what the actual adopted car parking standards are, it is assumed that the standards of the Proposed Amendment to the draft Plan apply.

3.11 According to Table 11.3 of the Plan, the site of the proposed development is located in Zone 2. As a result, the following maximum car parking standards apply:

- Residential (1-2 bedroom) – 1 space per unit
- Residential (3-3+ bedroom) – 2 spaces per unit
- Crèche – 1 space per 6 students

3.12 The proposed provision of car parking versus the Plan standard (at Proposed Amendment stage) is set out in Table 2 below:

Unit	No	Maximum	Proposed
<b>1 bedroom</b>	<b>41</b>	<b>41</b>	<b>41</b>
<b>2 bedroom</b>	<b>123</b>	<b>123</b>	<b>171</b>
<b>3 bedroom</b>	<b>130</b>	<b>260</b>	<b>260</b>
<b>4 bedroom</b>	<b>25</b>	<b>50</b>	<b>50</b>
<b>SUB-TOTAL</b>	<b>319</b>		
<b>Creche</b>	<b>71 students</b>	<b>12</b>	<b>12</b>
<b>TOTAL</b>	<b>-</b>	<b>486</b>	<b>534</b>

**Table 2: Proposed car parking provision compared to the maximum standard of the Plan**

3.13 The proposed development provides 48no. car parking spaces over the maximum standard of the Plan.

3.14 It is considered that the car parking standards for Zone 2 are predicated on the availability of mass transit. It is acknowledged that there is an existing high-frequency bus service in the vicinity of the proposed development, however, the planned BusConnects service is not yet in place. Pending the provision of the BusConnects service, it is submitted that the proposed 534no. car parking spaces is an appropriate level of car parking in the context of the proposed housing mix including 155no. 3 and 4 bed-units, representing 48.5% of the overall mix. It is further noted that of the 2-bed units proposed, 50no. (41%) are houses, where 2no. parking spaces would typically be provided. It is generally the provision of 2no. car parking spaces for the 50no. proposed houses where the surplus of 48no. car parking arises. It is also noted that the proposed development provides cycle parking (124no. spaces) in excess of the Plan standard.

#### 4.0 MATERIAL CONTRAVENTION

4.1 We set out our case hereunder in respect of Section 37(2)(b) of the Planning and Development Act 2000 (as amended), which states the following in relation to material contravention:

*(a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.*

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

- i. the proposed development is of strategic or national importance,*
- ii. there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
- iii. permission for the proposed development should be granted having regard to regional planning guidelines 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*

##### **Section 37(2)(b)(i) - The proposed development is of strategic or national importance**

4.2 In the context of a widely acknowledged imbalance between housing supply and demand in the country, reflected in increased house prices and rents and the homelessness crisis, and concerns for the resultant negative impact on Ireland's economic competitiveness, the proposed development constitutes a Strategic Housing Development of 319no. residential dwellings comprising of 85no. semi-detached units (comprising of 17no. 4-bed units and 68no. 3-bed units), 118no. terraced units (comprising of 8no. 4-bed units, 60no. 3-bed units and 50no. 2-bed units), 53no. duplex units (comprising of 26no. 1-bed units, 25no. 2-bed units and 2no. 3-bed units) and 63no. apartments (in 3no. part 4 storey and part 5-storey blocks and comprising 15no. 1-bed units and 48no. 2-bed units).

4.3 The National Planning Framework (NPF) states that *"between 2018 and 2040, an average output of at least 25,000 new homes will need to be provided in Ireland every year to meet people's needs for well-located and affordable housing, with increasing demand to cater for one- and two-person households. Within this figure, there is a wide range of differing housing needs that will be required to be met"*. (Section 6.6, page 91, NPF).

4.4 The proposed strategic housing development will contribute to the densification and compact growth of Cork and will assist in delivering increased population in the City, in line with National Policy Objective 1b, and National Policy Objective 3b of the NPF. As illustrated in Table 2.1 of the NPF, of the regional cities outside Dublin, Cork is expected to grow the most, by up to 125,000 people to 2040.

4.5 To accommodate this anticipated increase and to achieve a compact city, the NPF promotes the potential of sites in key locations that are accessible by public transport, can be serviced, and have access to established community facilities, such as the proposed development site.

4.6 Specifically with respect to Cork, the NPF states that one of the key enablers for the city is progressing the sustainable development of new greenfield areas for housing, especially those on public transport corridors. With respect to the development of Cork City, the NPF states:

*One of the greatest challenges in achieving significant growth that will move the Cork metropolitan region to the next level is **addressing the long-term decline of the City's urban population**.*

4.7 Specifically, the proposed development will:

- Deliver additional residential development within the built-up footprint of Cork City (NPO3a);
- Deliver additional residential development within the built-up footprint, i.e. the development boundary, of Cork City (NPO3c);
- Deliver increased population and support existing amenities, as well as providing a new 71 child creche (NPO 6);
- Deliver additional population (c. 877no. persons) in Cork City (NPO 11);
- Support a reduction in the use of the car in favour of walking and cycling, and enhance the use of an existing frequent public transport service, which has capacity, and support the proposed investment in public transport in the northside of the city through BusConnects (NPO 27);
- Facilitates a diverse and social inclusive society with a mix of house and apartment types, including 64no. Part V housing units (NPO 28);
- Will contribute to the delivery of the additional households required by 2040 (NPO 32);
- Provides new homes in a location that supports sustainable development (NPO 33); and
- The proposed development supports the provision of lifetime adaptable homes (NPO 34).

4.8 The strategic planning merits of this proposal lie in the site's location contiguous to the established built-up area of the designated settlement of Cork City with the benefit of proximity to existing and planned for facilities and services. The proposed development therefore represents a sustainable approach to development, entirely in accordance with national, regional, and local planning policy objectives which include the NPF's National Strategic Outcome of achieving compact urban growth.

4.9 As Ireland's second city, Cork is targeted by the NPF for significant population increase over the next two decades. The population growth targets for Cork are, in part, informed by the aim to achieve regional parity in the country by significantly growing the population of both the Southern Region and the Northern and Western Region over the next two decades to counterbalance the dominance of the Eastern and Midlands Region, which includes the Greater Dublin Area. Regional parity is considered necessary to address social and economic imbalances in the country.

4.10 In addition, the need to achieve local parity and rebalance Cork City from a social and economic perspective by progressing the development of the northern suburbs, including the Kilbarry area, is

emphasised in local policy, and is echoed in the Cork MASP by the northside of the city is acknowledged as having the potential to accommodate significant residential yield in the Cork Metropolitan Area. This approach is further echoed in the Plan, which recognises the area as being a key location for the compact consolidation and expansion of the city.

- 4.11 The proposed development is therefore of strategic importance for the social, cultural, and economic prosperity of the northern suburbs of Cork city, as well as the wider Cork Metropolitan Area generally. It also strongly aligns with NPF objectives relating to development and population growth within the existing built-up area of Cork City itself.
- 4.12 The need for new housing, particularly in Ireland's five main cities, is urgent and becoming more pressing. It is widely accepted that apartment developments (which are included here) will be central to meeting this demand, while at the same time responding to the goal of the sustainable development of more compact cities. In terms of the apartment element of the proposed development, the Apartment Guidelines for Planning Authorities, 2020 highlight that:

*Demographic trends indicate that two-thirds of households added to those in Ireland since 1996 comprise 1-2 persons, yet only 21% of dwellings completed in Ireland since then comprise apartments of any type. The 2016 Census also indicates that, if the number of 1-2 person dwellings is compared to the number of 1-2 person households, there is a deficit of approximately 150%, i.e. there are approximately two and half times as many 1-2 person households as there are 1-2 person homes. (Section 2.6, page 7, 2020 Guidelines)*

- 4.13 In the context of Cork, apartments represent 19.3% of all household types in Cork City. However, according to Census 2016 data, 97% of all apartments built in Cork City were built before 2010, excluding premises for which the period built was not declared. Over the last three years (mid-2018-present)<sup>2</sup>, 11,716 apartments were built in Ireland but just 360 of them were built in Cork City i.e. just over 3% of the total number of apartments built nationally. Over the same period, 65,230 dwellings were built in Ireland but just 2,362 of them were built in Cork City i.e. 3.6% of the total number of dwellings built nationally. In 2022, with an estimated population of at least 5 million nationally and 235,643 in Cork City<sup>3</sup>, Cork City will be home to at least 4.7% of the national population. It is clear from all of these figures that Cork, Ireland's second city, is seriously underperforming in respect of the delivery of new housing, and specifically apartments, to serve both its existing population and its projected population growth as envisaged under the NPF.
- 4.14 The situation is made all the starker in the context of the NPF target of 50% of the population growth to 2040 to occur in the existing built-up areas of Ireland's five cities, including Cork. This will require a significant increase in the number of dwellings, including apartments, and greater density in Cork City. Section 3 of the Government's new *Housing For All* (2021) action plan states that over 300,000 new homes

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<sup>2</sup> In 2018, the Central Statistics Office began publishing reports on New Dwelling Completions in Ireland. Detailed breakdowns of dwelling types completed in the jurisdictions of the thirty-one local authorities are available for Quarter 3 2018 – present (Quarter 3 2021) at: <https://www.cso.ie/en/statistics/construction/archive/> [accessed 3<sup>rd</sup> December 2021].

<sup>3</sup> Source: *Cork City Draft Development Plan 2022-2028*, page 32.

are needed by 2030 to address pressure on the housing market. This means 33,000 new homes per annum on average to 2030, 50% more new homes annually than were built each year for the last three years. The proposed development fully responds to these challenges.

4.15 It is, therefore, our considered opinion that the proposed development is of strategic importance in the context of Section 37 (2)(b)(i) of the Planning and Development Act 2000 (as amended).

4.16 The Board has always had the power for reasons of strategic or national importance (in accordance with section 37(2)(b)(i) of the 2000 Act) to grant permission even if the development materially contravenes the applicable Development Plan. In restating that power for large housing/residential development proposals (via section 9(6) of the 2016 Act) the legislature was clearly communicating that, at the level of the individual large housing/residential development, each is capable of being seen in terms of strategic or national importance. An individual proposal - if meeting the scale of accommodation required and if not breaching the zoning provisions of the Plan (as is the case in this instance) - is capable of being regarded by the Board as being of national and strategic importance by virtue of being one of a series of proposals by which the housing supply problem is to be resolved in the limited period for which the 2016 Act is to operate.

***Section 37(2)(b)(iii) - Permission for the proposed development should be granted having regard to regional planning guidelines 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***

4.17 Permission should be granted having regard to the proposed development compliance with the following national, regional and government policies.

#### ***Housing for All, 2021***

4.18 On 2nd September 2021 the Government launched the latest national housing policy document in the form of "Housing for All – A new Housing Plan for Ireland" (HFA). This is the Government's revised policy and investment plan (replacing the 2016 "Rebuilding Ireland: Action Plan for Housing and Homelessness") to address the housing crisis which has affected the country since 2014.

4.19 With regard to new housing supply, section 3 of the HFA states that over 300,000 new homes are needed by 2030 to address pressure on the housing market. This means 33,000 new homes per annum on average to 2030.

4.20 Section 5.6 of the plan emphasises that transport infrastructure and access to public transport are critical enablers of new housing supply, and that if the long term trend of growth in demand for housing and transport is to be met, we must improve land-use and transport planning to meet the NPF strategic objective of achieving compact growth.

- 4.21 It is considered that the subject development, which proposes 319no. residential units contributes directly to Pathway nos. 1, 2 and 3 of the plan. In relation to Pathway 1, the proposed development will support home ownership and affordable homes, particularly for first time buyers. In addition, it is considered that the provision of additional housing in the north environs will also improve the overall rental sector in the North Environs.
- 4.22 64no. units are to be transferred to Cork City Council in order to meet the developments Part V obligations. This will also contribute to the core objective of this plan which aims to accelerate social housing, as well as Pathway no. 2 which addresses homelessness, through the delivery of additional social housing stock.
- 4.23 This development contributes to Pathway no. 3 as it proposes 319 no. residential units which will lead to an increase in housing supply. This will then have a positive impact on the affordability of the area as well as the additional social homes which will elevate some issues ongoing across Cork City. It is therefore considered that the proposed development is fully compliant with and supportive of the Action Plan.

***Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)***

- 4.24 Having regard to these Guidelines, the proposed development is focused on:
- Prioritising walking, cycling and public transport, and minimising car usage;
  - Providing easy access for all users and ease of finding one's way around;
  - Promoting the efficient use of land and of energy;
  - Supporting a mix of land uses to minimise transport demand; and
  - Reducing traffic speeds in housing developments.
- 4.25 The Guidelines set national residential density targets for particular locations and advise on the calculation of net residential density. On 'Appropriate Locations for Increased Densities', the Guidelines state the following:

***(f) Outer Suburban / 'Greenfield' sites***

***5.11*** *These may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment, and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.*

The site can be considered an outer suburban/greenfield site, as recognised in Figure 2.2 of the Plan. A target of between 35-50 units per hectare is set out in the Guidelines for locations such as this, with which the proposed density of 38.77 units per hectare is fully compliant.

4.26 Furthermore, the proposed development is plan-led in that it will deliver an efficient use on appropriately zoned land and an increased residential population in a new high-density, high-quality, distinctive primarily residential development in Cork City, which is fully supported by national, regional, and local planning policy. In accordance with Chapter 4 of the Guidelines, the proposed development will:

- Prioritise public transport, cycling and walking, with a reduced quantum of car parking
- Ensure access for everyone, including people with disabilities (see the accompanying Architectural Design Statement prepared by DMN Architects);
- Include the correct quality and quantity of public open space (see the accompanying Architectural Design Statement);
- Include measures to ensure satisfactory standards of personal safety and traffic safety within the neighbourhood - the predominance of residential ground floor use means a high degree of passive surveillance throughout the proposed development, both in terms of the public park and the public amenity spaces within the development.
- Present an attractive and well-maintained appearance with high quality material finishes on the facades of the buildings as well as the hard and soft landscaping of the open spaces;
- Promote social integration and provide for a range of household types for different age groups;
- Protect, and where possible, enhance the built environment; and
- Provide for appropriate drainage systems.

***Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020***

4.27 The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines 2020 also endorse the need to consolidate urban development within the five existing cities, and a move away from prescribed height restrictions in favour of performance criteria.

4.28 Section 2.6 of the Apartment Guidelines highlight that:

*Demographic trends indicate that two-thirds of households added to those in Ireland since 1996 comprise 1-2 persons, yet only 21% of dwellings completed in Ireland since then comprise apartments of any type. The 2016 Census also indicates that, if the number of 1-2 person dwellings is compared to the number of 1-2 person households, there is a deficit of approximately 150%, i.e., there are approximately two and half times as many 1-2 person households as there are 1-2 person homes.*

4.29 In the context of Cork, and as noted in section 4.13 of this report, apartments represent 19.3% of all household types in Cork City, but that the majority (97%) of all apartments built in Cork City were built before 2010, excluding premises for which the period built was not declared, and that over the period mid-2018-present, just 360 of the 11,716 apartments built in Ireland were built in Cork City i.e., just over 3% of the total number of apartments built nationally, and just 2,362 of the 65,230 dwellings built in Ireland were built in Cork City i.e., 3.6% of the total number of dwellings built nationally. In 2022, with an estimated

population of over 5million nationally and 235,643 in Cork City, Cork City will be home to at least 4.7% of the national population.

- 4.30 It is clear from the above figures that Cork, Ireland's second city, is seriously underperforming in respect of the delivery of new housing, and specifically apartments, to serve both its existing population and its projected population growth as envisaged under the NPF. The proposed development is a direct and conscious response to this situation.
- 4.31 Section 1.21 of the Guidelines states that Specific Planning Policy Requirements (SPPRs) contained in the Guidelines take precedence over any conflicting policies and objectives of development plans.
- 4.32 Section 2.4 of the Guidelines identifies central and/or accessible urban locations as being generally suitable for small-to-large scale and higher density development. The proposed development site, which is located near an existing public bus route which operates at a high frequency during peak times and on a proposed public bus route that will operate at a minimum frequency of every 15 minutes and is within 15 minutes-walk from other public bus routes, can be classified as an accessible urban area.
- 4.33 The proposed development includes 319no. residential units. Having regard to the Guidelines, the proposed development complies with the following SPPRs (as detailed in the Housing Quality Assessment prepared by DMNA Architects):

**SPPR 1**

- 23.81% of the apartments are one-bedroom units. This is under the maximum upper limit of 50%.

**SPPR 3**

- All 1-bed apartments meet the minimum required floor area of 45m<sup>2</sup>
- All 2-bed apartments meet the minimum required floor area of 73m<sup>2</sup>
- All 3-bed apartments meet the minimum required floor area of 90m<sup>2</sup>

As the Housing Quality Assessment details, almost 72% of the proposed units exceed the minimum internal floor area standards by 10% and all of the minimum floor areas for private amenity space for the various types of dwellings are met or exceeded.

**SPPR 4**

- 89% of the proposed apartments are dual aspect. This exceeds the minimum requirement of 50% in suburban locations.

The elevation drawings detail the proposed development's compliance with the following SPPR:

**SPPR 5**

- All of the apartments proposed achieve floor to ceiling heights of at least 2.7m.

The plan drawings detail the proposed development's compliance with the following SPPR:

**SPPR 6**

- All apartment buildings comply with the maximum limit of 12 apartments per floor per lift/stair core.

***Regional Spatial and Economic Strategy for the Southern Region (RSES)***

4.34 The Southern Regional Assembly is responsible for preparing the Regional Spatial and Economic Strategy for the Southern Region (RSES), which came into effect on 31<sup>st</sup> January 2020. Included in the RSES for the Southern Region is the Cork Metropolitan Area Strategic Plan (MASP).

4.35 Regional Planning Objectives (RPOs) 6-10 of the RSES relate to the MASPs for each of the three metropolitan areas of the Southern region – Cork, Limerick- Shannon and Waterford.

- Cork City is the most dominant location for active enterprises in the Southern Region
- With Cork, Limerick and Waterford are expected to be amongst the fastest growing cities in the country.
- The plan focuses on growing and strengthening existing metropolitan areas like Cork as an international gateway.

4.36 Both national and regional policy have assigned a heretofore unprecedented scale and rate of growth for Cork City in order to assist in counterbalancing the excessive growth and sprawl of Dublin. In order to achieve the ambitious regional growth targets set for Cork, it is paramount that proposals such as the subject proposed development of this report are facilitated through the planning process.

RPO 6 seeks to prioritise the delivery of compact growth in cities like Cork.

RPO 8 looks to delivery and active land management approach to development in large metropolitan areas to support compact urban growth.

RPO 157 sets out to target higher development densities in urban areas:

*“Local Authorities, through appropriate Development Plan policies shall ensure the consolidation of development at higher densities in within existing urban centres, with a focus on locations where it can be demonstrated that such development supports the use of walking, cycling and public transport.”*

4.37 The RSES outlines the settlement typology for the Region in Table 3.1 of the Plan and Metropolitan areas, such as the north environs where the subject site is located, are identified in the first tier of the typology.

4.38 It is further noted that a key component of the strategy is to strengthen the settlement structure of the Region, to capitalise on the individual and collective strength of the three cities, metropolitan areas, and strong network of towns. It is considered that the proposed development, which is located within the expanded City boundary, will aid in strengthening the overall settlement structure of the Region.

4.39 In this context, Strategy no. 1 of the RSES is identified as follows:

*Strengthening and growing our cities and metropolitan areas; harnessing the combined strength of our 3 cities as a counterbalance to the Greater Dublin Area, through quality development, regeneration, and compact growth; building on the strong network of towns and supporting our villages and rural areas.*

4.40 The proposed development will deliver 319 no. residential units within the city boundary, therefore increasing the population of the Metropolitan Cork and consequentially helping to achieve Strategy no. 1 of the RSES.

4.41 The RSES also include a Metropolitan Area Strategic Plan (MASP) for Cork. Section 7.3 of the Plan identified strategic residential nodes on the Metropolitan rail line, where it is noted that Kilbarry and the Old Whitechurch Road area have opportunities for significant mixed use regeneration and residential and enterprise development providing a northern gateway to the city from the Limerick Road. It is noted that the potential residential yield in this area is 950 no. units.

4.42 It is therefore considered that the proposed development, which seeks to provide 319no. residential units on a primarily residentially zoned site in the north environs, is consistent with the RSES and the Cork MASP, and will aid in achieving its aims.

Having regard to the RSES, the proposed development:

- will strengthen the settlement structure of the Region
- will contribute to the achievement of significantly accelerated and urban-focused compact growth (RPO8)
- will respond to the need for quality housing for one and two person households at a sustainable density in the right location (RPO28), and
- will make the most efficient use of zoned and serviceable land (RPO31)

4.43 The Cork MASP is a constituent part of the RSES and aligns with current national planning policy and objectives, including those contained in the NPF. The proposed development supports the following strategic goals of the Cork MASP:

- Goal 1: Sustainable Place Framework
- Goal 2: Excellent Connectivity and Sustainable Mobility
- Goal 4: High Quality Environment and Quality of Life

4.44 The focus of the MASP is to strengthen Cork's role as a metropolitan area, driving economic activity and employment in the city. The overarching principles laid out in section 2.3 of the plan seek to:

- Focus investment to support the revitalisation and reinvigoration of the city centre and promote high density development

- Target growth in the metropolitan area and strategic employment locations along public transports routes, and
- Promote consolidated growth

4.45 According to the CSO, the current average household size in Ireland is 2.75 (Census of Population 2016 - Profile 4 Households and Families). Applying this figure to the 2031 population growth target for Cork City, an additional approximately 27,270 homes will need to be provided in the city by that year. Furthermore, if the realisation of that target number of additional homes is to be consistent with National Policy Objective 3b of the NPF, then at least 13,635 new homes will need to be developed within Cork City and Suburbs within the next decade. This goal requires delivery of residential development in Cork City on an unprecedented scale. The proposal can be considered as a direct response to this new paradigm for Cork City in that, if granted permission, it will contribute towards the achievement of this target.

4.46 In line with the Cork MASP, the proposed development:

- will strengthen the role of the Cork Metropolitan Area as an international location of scale and the primary driver of population growth in the Southern Region (MASP1), and
- will make a significant contribution to the regeneration of the Kilbarry area of the northside city (MASP2)

4.47 In addition to being consistent with all of the Southern Regional Assembly's MASP Regional Planning Objectives, complementing Cork MASP Strategic Goals 1, 2 and 4 and Cork MASP Policy Objective 2, the proposed development also supports 11 of the 14 guiding principles of the Cork MASP.

4.48 In these respects, the proposed development should be granted permission having regard to *Section 37(2)(b)(iii)*, as it is fully supported by the regional planning guidelines 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.

## 5.0 CONCLUSION

- 5.1 In conclusion, as demonstrated in this statement and the plans and particulars that accompany this planning application, the proposed Strategic Housing Development of 319no. residential dwellings at the Old Whitechurch Road in Kilbarry Cork City merits the granting of planning permission.
- 5.2 The proposed number of 3-bed units marginally exceeds the maximum set out in the Development Plan. The percentage exceedance of 2.75% equates to between 8 and 9 residential units. In the context of the overall scheme and the scale and extent of development in the immediate area and across the northside of the city, this exceedance is not considered material or significant. However, on the basis that a material contravention of the Plan may occur, this report has been prepared.
- 5.3 The proposed residential density at 38.77 units per hectare falls slightly short of the Target density in the Plan for this location of 40 units per hectare. We also consider that this slight shortfall, equating to 1.23% or a total of 10no. units, is not materially significant. The provision of 2 car spaces for the 2-bed residential houses, has led to an exceedance of the Plan's car parking standards. Again, this is not considered material.
- 5.4 However, if the Board considers that a material contravention may arise, then Section 37(2) of the Planning and Development Act 2000 (as amended) provides for the Board to grant permission where the proposed development materially contravenes the Plan in certain circumstances.
- 5.5 That the proposed development is being progressed through the Strategic Housing Development planning process in itself confirms the strategic importance of the proposal, in accordance with Section 37(2)(b)(i). It will contribute to an increased supply of residential accommodation in the context of a chronic housing shortage and thus support national, regional and local policy objectives to deliver more homes within the existing footprint of cities and in cities other than Dublin to achieve regional parity in the country.
- 5.6 In addition, and with respect to these points, the proposed development is also compliant with a series of national, regional and local policies, as outlined herein.
- 5.7 In this context, it is our submission that the Board can grant planning permission for the proposed development in accordance with Section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 (as amended), and Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).