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Development Plan Submissions Strategic and Economic Development City Hall Anglesea Street Cork

Submitted Online via Cork City Council Consultation Portal

28th April 2022

Re: Draft Cork City Development Plan 2022-2028 – Proposed Material Alterations – Lands at South Docklands, Cork City

Dear Sir/Madam,

1. INTRODUCTION

O'Callaghan Properties and Leeside Quays Ltd¹ (our Clients) have retained Tom Phillips + Associates² (TPA), Town Planning Consultants, to prepare this submission in relation to the proposed Material Alterations to the Draft Cork City Development Plan 2022-2028, currently out for public consultation.

The submission relates specifically to our Clients' lands in the South Docklands, Cork City. As a key stakeholder in the development of Cork Docklands, a key component of Project Ireland 2040 and its subsidiary plans, our client has actively engaged with Cork City Council in the development plan making process to date through submissions to the Pre Plan Consultation Issues Paper in August 2020 and to the Draft Cork City Development Plan in October 2021.

Cork Docklands was first designated for redevelopment 24 years ago, in 1998. In order for the credibility of the overall project to be maintained, it is essential that substantial progress is made with developments on the ground. Our clients have a track record of delivery in city centre sites going back over 40 years.

2. REASON FOR SUBMISSION

Our Clients have a very large landholding comprising 31 acres within the South Docklands. Currently, they have two substantial planning applications being processed by Cork City Council for the proposed mixed use development of 5 acres of the lands comprising a rehabilitation hospital, residential, offices, retail and cafes and including conservation works to and the reuse of a Protected Structure (The Odlum's building) to provide for retail and/or café use, office space, conference facilities, food and beverage space, a cinema including a bar/ dining area, and apartments. These applications are located adjacent to Kennedy Quay

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in the western portion of the landholding. Together, they constitute a substantial contribution to the sustainable development of Cork.

For over two years our clients have been preparing a masterplan (design led by Henry J Lyons Architects (HJL) and with a full team of other consultants) for the entire landholding in the South Docklands. This exercise has rigorously analysed the many issues that must be resolved in order to develop a substantial urban quarter that delivers excellent quality of life and aligns with sustainable development principles (as set out in the UN Sustainable Development Goals).

As a result of this two-year long exercise, our clients probably have a greater knowledge than Cork City Council of the detailed issues that need to be addressed on the ground in order to bring this section of the South Docklands to a series of shovel-ready projects that accord with the principles of sustainable development. Also, crucially projects that are also attractive investment propositions. Given this situation, it is respectively requested that Cork City Council is flexible in how its vision for the South Docklands is realised.

The next development proposal, within the landholding, is a site of c. 18.7 acres at Centre Park Road and Monahan Road (hereafter referred to as the 'Goulding's site'). This proposed development has the potential to yield up to 1,600 much needed residential units at a time when there is a severe housing shortage nationally, in turn exacerbated by the influx of refugees from Ukraine that are likely to remain in Ireland for the medium-term. They have also been developing plans for other sites along Kennedy Quay and also between Marina Walk and Centre Park Road. In developing these layouts, HJL have referred to previous and current plans for the South Docklands (South Docks Local Area Plan 2008 and the Cork City Development Plan 2015). They also reviewed the Cork Docklands Public Realm Strategy that was prepared by Mitchell & Associates and published in 2010.

The land use zoning of the subject lands has been consistent across these plans. However, the Draft Cork City Development Plan 2022-28 published in July 2021 included a number of very significant proposed zoning changes. Submissions were made after a public consultation period.

The Chief Executive's Report on the submissions to the draft plan then set out recommendations for the Elected Members to review before voting on and making alterations to the plan. After carefully reviewing the recommendations relevant to their South Docklands sites, our clients progressed with the master planning exercise, having taken some comfort from the clear guidance and recommendations issued in the Chief Executive's Report to the Elected Members.

However, the material alterations that are now being proposed (published April 1st, 2022) in relation to the subject lands in the South Docklands contain fundamental differences and inconsistencies with the Chief Executive's recommendations that will seriously delay and compromise the development of our clients' lands. The purpose of this submission is to highlight these differences and inconsistencies so that they can be resolved in the current plan-making process. Otherwise, we believe that the Development Plan may be unintentionally exposed to serious misinterpretation.



3. SITE LOCATION

Our Clients' lands are located to the west of the South Docklands as outlined in Figures 1 and 2. This submission relates specifically to the three sites within the eastern part of the landholding below (as hatched blue in Figure 1). These sites are between Kennedy Quay and Marina Walk, between Marina Walk and Centre Park Road and the Goulding's site.

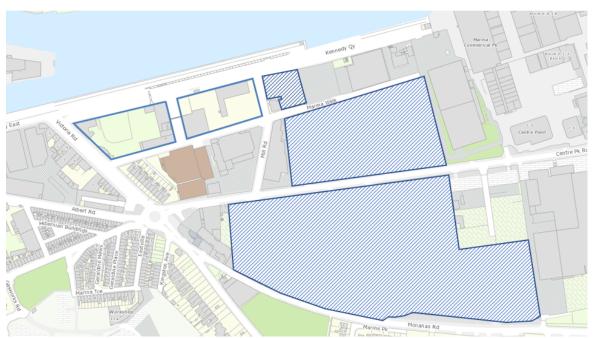


Figure 1 – O'Callaghan Properties South Docklands 31 acre landholding outlined in blue (eastern sites shown hatched blue) (Source: MyPlan.ie annotated by TPA 2022)



Figure 2 – O'Callaghan Properties South Docklands 31 acre landholding outlined in green and blue (current planning application sites in green, future planning application sites in blue)



These sites include a mix of brownfield land and industrial uses. The lands are underutilised and have been earmarked as a strategic city centre expansion area since 1998. In addition, the development of the South Docklands is a key growth enabler in the National Planning Framework (NPF). The NPF promotes the mixed use development of the sites to deliver "ambitious large-scale regeneration projects for the provision of new employment, housing and supporting infrastructure in Cork Docklands (City Docks and Tivoli) as integrated, sustainable developments, including relocation of two 'Seveso' sites from the City Docks".

In the Cork City Development Plan 2015 the sites are predominantly zoned for *Mixed Use* development with the proposed park running through them (Figure 3). The proposed *Neighbourhood Centre* and *School* are also partly within our client's lands.

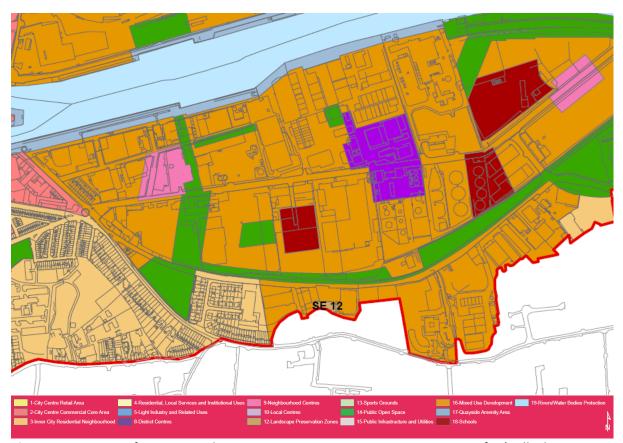


Figure 3 – Extract from Appendix 4 Henry J Lyons Comparative Review of O'Callaghan Properties Submission to the Draft Cork City Development Plan (October 2021)

Over the past two years, our clients has made a number of presentations to Cork City Council to outline progress in the master planning of their sites in the South Docklands. The first S247 pre planning meeting regarding the proposed development of the Goulding's site took place on April 5th 2022.

4. DRAFT CORK CITY DEVELOPMENT PLAN 2022-2028

The Draft Cork City Development Plan 2022-2028 issued in July 2021 indicated a significant departure from the previous Development Plans and Local Area Plans on which HJL had based their master planning of the South Docklands sites to date.



The main changes included:

- The rezoning of a substantial portion of the Goulding's site from *Mixed Use* to *ZO2 New Residential Neighbourhood*;
- The significant increase in proposed ZO 16 Public Open Space within the O'Callaghan Properties landholding. The public open space allocation on the sites increased from 24.7% to 40.5%. The proposed Kennedy Spine had been widened along its full extent as discussed further below;
- The introduction of ZO 17 Sports Grounds and Facilities adjacent to the Kennedy Spine on the Goulding's site;
- The proposed *ZO 13 Education* zoning was increased in size and shifted north such that it would directly adjoin Centre Park Road to the north providing road frontage to serve the school. A portion of the proposed education zoning still remained within the O'Callaghan Properties lands.

The above proposed changes are shown in Figure 4.

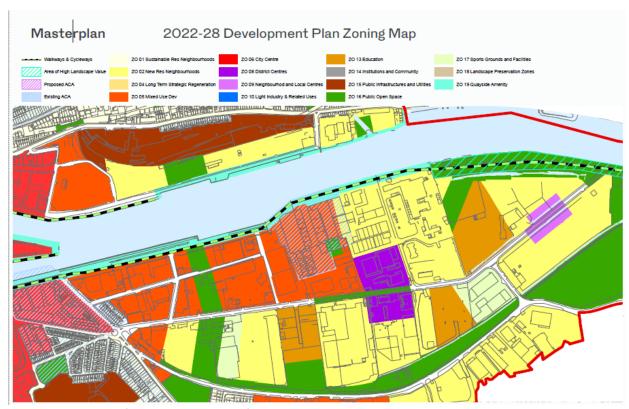


Figure 4 – Extract of Zoning Map 01 Draft Cork City Development Plan 2022-2028

Figure 5 below is an extract from the HJL review of the proposed changes that was included with our clients' submission to the Draft Cork City Development Plan. It indicates the very significant changes in the treatment of our clients' lands in comparison to the current plan. The O'Callaghan Properties landholding is outlined in red in Figure 5.

The change of zoning from mixed use to new residential in the Goulding's lands; the quantum of open space proposed; and both the alignment and extended width of the Kennedy Spine are of most relevance to this current submission to the Material Alterations of the Draft Plan.



Our submission to the Draft Cork City Development Plan addressed these concerns. The submission requests are summarised as follows:

- That the lands between Centre Park Road and Monahan Road that are proposed within the New Residential Neighbourhood zoning should retain their Mixed Use zoning as per the current Development Plan.
- That the site proposed within the Sports Grounds and Facilities zoning within the Goulding's site is instead zoned as Mixed Use.
- That the width of the proposed Kennedy Spine is maintained as per the current Development Plan and that it is relocated further west as previously envisaged. An extract from the Mitchell's and Associates Strategy showing how the Kennedy Spine alignment might look (that had been included within the Draft Cork City Development Plan) was included in the submission to show the spine location further west.

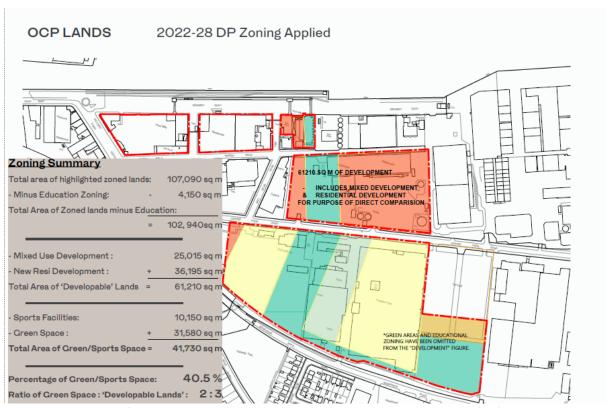


Figure 5 – Extract from Appendix 4 Henry J Lyons Comparative Review of O'Callaghan Properties Submission to the Draft Cork City Development Plan (October 2021)

4.1 Chief Executives Report

The Chief Executive's Report on Submissions to the Draft Development Plan was issued in December 2021. The report set out clear, unambiguous responses to and recommendations on the O'Callaghan Properties submission. These are extracted below for ease of reference.



Specific Zoning Request	Chief Executive's Response and Recommendation
Rezone site between Centre Park Road and Monaghan Road proposed to be zoned "ZO 17 Sports Grounds and Facilities" to "ZO 5 Mixed Use Development".	The need to provide sports grounds in the City Docks is twofold:
	• to partially meet the active recreational needs of the South Docks within the City Docks in order to ensure that this is a strong neighbourhood; and
	• to meet the play and sports needs of the schools campuses proposed in the City Docks, as the schools sites will not have the space to accommodate this use.
	The residual active recreational needs will need to be located outside but accessible to the City Docks (e.g. accessed by the Greenway / LRT). The Draft Plan land use strategy seeks to provide sports grounds to meet this partial need in locations accessible to the schools campuses. The submission raises the issue of a disproportionate and inequitable distribution of those uses in the context of wider community infrastructure and public open space provision. This is accepted and it is proposed to relocate the sports grounds to two other locations:
	• to form part of a larger sports campus; and
	• immediately adjacent to the Western Primary School as a small extension to the Park.
	Recommendation
	(i) Change zoning from "ZO 17 Sports Grounds and Facilities" to the east of Kennedy Spine and to "ZO 2 New Residential Neighbourhoods".
	(ii) Change the zoning of lands due south of the "ZO 8 District Centres" zoning south of Centre Park Road to the west of the ESB site (south) from "ZO 2 New Residential Neighbourhoods" to "ZO 17 Sports Grounds and Facilities" (to provide a full size pitch due to form part of a sports campus).
	(iii) Provide Multi-Use Games Areas (ball courts) adjacent to the Park, to the south of the western "ZO 13 Education"-zoned site.



Relocation of "Kennedy Spine" "ZO 16 Public Open Space" zoning further west and retain previous width of spine.

The change in the land use strategy between the current Cork City Development Plan 2015 and the Draft Plan has been introduced for a number of reasons, including:

- Creating a civic space of importance to the City Docks.
- Creating a coherent landscape / public open space extending from Victoria Road / Kennedy Park to the waterfront space and its backdrop the Saint Luke's / Montenotte Ridge.
- Providing an urban structure that is based around a park with a strong vista to Saint Luke's Church and a strong visual connection to the River Lee corridor.
- Grouping two public open spaces proposed in the current City Development Plan 2015 into one coherent and more successful public space.
- Enabling a space that would benefit from good levels of sunlight.

The submission has requested that consideration be given to moving the POS further westwards on the grounds that this would improve development feasibility of adjacent lands. It is considered that the spine between Centre Park Road and the River Lee can be adjusted westwards to assist in creating a more developable land holding configuration on adjacent lands. The other three sections of the spine will also be adjusted to reflect this alignment.

The visual link with Saint Luke's Church along the entire length of the Kennedy Spine will be retained.

Recommendation:

- (i) Adjust Kennedy Spine westwards between Centre Park Road and Marina Walk.
- (ii) Develop a new alignment for the other three land parcels that constitute the Kennedy Spine. A proposed Amendment will be prepared that responds to this revised opportunity.



Retain previous width of Kennedy Spine ZO 16 Public Open Space.

It is proposed to reduce the width of the "Kennedy Spine" from c. 54 metres as currently proposed in the Draft Plan to c 45 metres — this would result in the same area of public open space-zoned lands in this area as that currently zoned in the current Cork City Development Plan 2015, with a different, improved alignment.

Recommendation

Reduce the width of the "Kennedy Spine" "ZO 16 Public Open Space" to 45 metres.

5. DRAFT CORK CITY DEVELOPMENT PLAN 2022-2028 – PROPOSED MATERIAL ALTERATIONS

The Material Alterations to the Draft Cork City Development Plan were published on April 1st. We have carefully reviewed the proposed alterations relevant to our Client's South Docklands landholding. The proposals, as published, were unexpected. There are serious differences and inconsistencies in them when compared to the Chief Executive's recommendations to the Elected Members.

It is evident that the recommendations as voted on by the Elected Members have not been correctly executed on the zoning maps included with the alterations. These differences and inconsistencies are outlined below and graphically demonstrated in *Map 1 Zoning Map as issued by CCC for Public Consultation April 1st* prepared by HJL and enclosed at Appendix A.

5.1 Proposed Zoning Amendment 2.20

Zoning amendment 2.20 is intended to reflect the relocation of the Kennedy Spine and its reduced width. The Chief Executive had recommended that the Kennedy Spine should be adjusted westwards between Centre Park Road and Marina Walk.

It was further recommended to develop a new alignment for the other three parcels of the spine. These would include the sections between Kennedy Quay and Marina Walk; between Centre Park Road and Monahan Road and north of the River Lee at Horgan's Quay.

The Chief Executive stated as follows "The submission has requested that consideration be given to moving the POS further westwards on the grounds that this would improve development feasibility of lands".

The above recommendations were directed "to assist in creating a more developable land holding configuration on adjacent land".

The Chief Executive also recommended to reduce the width of Kennedy Spine to 45m. The wording used was as follows "It is proposed to reduce the width of the "Kennedy Spine" from c. 54 m to c. 45 metres- this would result in the same area of public open space-zoned lands in this area as that currently zoned in the current Cork City Development Plan 2015, with a different, improved alignment".

These recommendations of the Chief Executive have not been carried through to the published material alterations to the zoning maps. In fact, the area of public open space-zoned lands in this area that have been drafted now by CCC are substantially more than the 2015 plan as expected by the Chief Executives report. The relevant area of public open space



in the 2015 Development Plan has been calculated as 31,518 sq.m. This increases to almost 40,000 sq.m in the maps issued as part of the material alterations.

The section of Kennedy Spine has been moved westwards between Marina Walk and Centre Park Road but is dramatically wider than the 2015 intent.

The alignment of the section of the spine between Centre Park Road and Monahan Road appears to have been merely rotated/straightened up but it has not been moved westwards or re-aligned as recommended in the Chief Executive's report. Also, the position currently shown certainly does not make the adjacent lands (zoned New Residential Neighbourhood) more developable as it would seek to divide the residential community.

By not moving the spine westwards to accommodate and facilitate the more feasible development of the adjacent lands, the published Material Amendments constitute a grave threat to the delivery of the residential scheme in the Goulding's site. In essence, it creates a wide division between lands zoned for New Residential Neighbourhood within the Goulding's site which will result in a separated form of development undermining the inclusivity of the new community our clients are trying to establish at this site. The failure to move this section of the spine westwards to the boundary of our Clients' landholding is contrary to the Chief Executive's recommendation to the Elected Members and it will not assist in creating a more developable land holding configuration as clearly advised.

The proposed relocation of the section of the spine between Kennedy Quay and Marina Walk creates a worst-case situation for the development of adjacent lands in that it creates a very thin strip of land that cannot be physically developed within our client's landholding.

When this is then reviewed in the context of the development of Kennedy Quay and the Kennedy Quay promenade, it will result in a large c. 40m wide gap onto the river front. The width of the spine at this location results in a very thin strip of Mixed Use land to the west that will likely remain undeveloped thus creating an even wider aperture of c.80m. This will not permit the buildings, fronting onto the river, to form a coherently designed urban space. In addition, it will create a sub-optimal vista to Kennedy Quay from the North Docklands. Furthermore, the absence of a building at this point to protect the linear park from Northerly winds will result in a negative experience for end users of the park.

The Kennedy Spine is not 45m throughout in the current 2015 Development Plan. As shown in Figure 3 above, it reduces in width between Centre Park Road and the quayside.

The Material Alterations zoning maps issued are also contrary to the recommendation of the Chief Executive. These maps appear to be outlining the Kennedy Spine at 75-76m wide between Centre Park Road and Monahan Road and up to 48m wide in parts between Marina Walk and Centre Park Road.

It is clear that the recommendation of the Chief Executive in relation to the relocation and reduction in width of Kennedy Spine has been incorrectly represented in the zoning maps published with the Material Amendments. *Map 2 Corrected Version of the Zoning Map* prepared by HJL and attached at Appendix A graphically demonstrates what we believe to be the Chief Executives recommendations as set out in the above table.

The net result of these inconsistencies is that the key objectives of the new Cork City Development Plan to facilitate the redevelopment of the South Docklands will be substantively hampered by these Material Amendments if adopted. In their current form



they sublimate a major residential development to a linear amenity spine, that can be provided in a perfectly acceptable alternative manner.

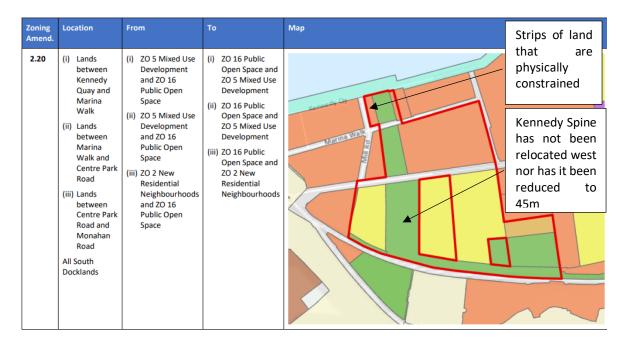


Figure 6 – Extract from Part 2 Proposed Amendments to Volume 2 of the Draft Cork City Development Plan 2022-2028 (Amendment 2.20)

We are concerned that the objective to provide "key" views to the Montenotte ridge and to St. Lukes have been prioritised over the primary objective of re-generative development of the derelict brownfield docklands sites and removal of the "Seveso" sites.

We are satisfied that the views from the linear spine park, and indeed better more framed transitional views can be delivered from our Clients' landholding. In particular these key views can be delivered both from the park itself and from a more direct pivotal central square viewing corridor in the Goulding's site.

5.2 Proposed Zoning Amendment 2.26

Zoning Amendment 2.26 proposed to rezone the *ZO 13 Education* site to the east of the Goulding's site on Centre Park Road to *ZO 5 Mixed Use Development*. This proposition was accepted.

The leftover strip of education zoning within our client's landholding is 1 acre. It does not meet the Department of Education's minimum school size requirements and therefore it will never be physically possible to deliver a school on just this portion of this site.

We suggest that if the plan is to deliver a school, then retain the zoning entirely as education. as planned previously. If a school is not required, then remove all of education zoning and not just parts of it.

In any case our stated proposition is that the education zoned lands on our Clients' site should be amalgamated with a further area of public open space in order to deliver a series of multipurpose sports pitches and related amenities including changing/community facilities. This is consistent with proposed amendment ref. 1.232 of Volume 1 and Volume 3 of the Proposed



Material Alterations to the Development Plan which states that within the City Dock Cork City Council will provide sports pitches/ grounds at four locations including Monahan's Park (south of the western primary school) within sites designated LUZO 16 -Public Open Space. It is also consistent with amendment ref. 1.229 which states that "sports pitch/ play needs will be mostly met off-site within lands zoned for the purposes of Sports Grounds and Public Open Space, which are located adjacent/ proximate to the proposed school campuses. These will be public facilities benefitting from optimal use and are likely to be all weather pitches to enable intensive use, including schools use".

These community facilities can be provided by our Client as part of a planning application(s). The completed facilities may then be handed over to be used for both public access and the adjacent school (or other nearby schools).

This particular location for these public playing facilities are more centrally located in the lands and offer a greater opportunity of west to east (and vice versa) connectivity from the Kennedy Spine across to the playing pitches. This connectivity would be across and through the new residential streets. This connectivity is more direct and would provide much needed footfall to support the ground floor activation uses necessary in the new residential scheme. Equally this connection provides a supervision of the public streets through this footfall activation.

Also, the positioning of the playing pitches in this more central location with residential and mixed uses around them will promote more active day and night supervision providing safety and security.



Figure 7 – Extract from Part 2 Proposed Amendments to Volume 2 of the Draft Cork City Development Plan 2022-2028 (Amendment 2.26)

6. SUBMISSION REQUEST

This submission has highlighted what are fundamental inconsistencies in the application of the proposed Material Alterations to the Draft Cork City Development Plan. The only way to remedy these errors to comply with the intent of the Chief Executive's Recommendations to the Elected Members is to modify the relevant proposed variations.

To assist in rectifying the situation, we have reviewed these issues and we are proposing the following minor modifications that relate to zoning amendment references 2.18 and 2.20:



- The relocation of Kennedy Spine further west on the Goulding's site;
- The reduction in width of Kennedy Spine between Monahan Road and Marina Walk with a further reduced width between Marina Walk and Kennedy Quay reflective of the current 2015 Development Plan spine alignment;
- The relocation of the additional open space from the south east to a more appropriate location around the proposed pitches and to a central position within the Goulding's site.

These requested modifications have been graphically represented in an amended version of the zoning map prepared by HJL. Please refer to *Map 3 Zoning Proposed as per Submission* prepared by HJL attached at Appendix A.

Cork City Council has the discretion to make these modifications in accordance with Section 12 (10) of the Planning and Development Act 2000 (as amended) which states:

- (10) (a) The members of the authority shall, by resolution, having considered the chief executive's report, make the plan with or without the proposed amendment that would, if made, be a material alteration, except that where they decide to accept the amendment they may do so subject to any modifications to the amendments as they consider appropriate, which may include the making of a further modification to the alteration and paragraph (c) shall apply in relation to any further modification.
- (b) The requirements of subsections (7) to (9) shall not apply in relation to modifications made in accordance with paragraph (a).
- (c) A further modification to the alteration—
 - (i) may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
 - (ii) shall not be made where it relates to—
 - (I) an increase in the area of land zoned for any purpose, or
 - (II) an addition to or deletion from the record of protected structures.

Having carefully reviewed the Chief Executive's report, HJL have shown in Map 3 the relocation of Kennedy Spine further west and its reduced width as directed by the Chief Executive. This alignment maintains the same amount of open space as per the 2015 Development Plan while 'improving the development feasibility of adjacent lands' as intended by the Chief Executive.

This alignment would still deliver Kennedy Spine as a linear park extending from Kennedy Park to Kennedy Quay as envisioned within the Draft Plan. The park would provide key views from within the O'Callaghan Properties landholding in the South Docklands to the Saint Luke's/Montenotte ridge and Saint Luke's Church.

There is no increase in proposed zoned lands. The modifications being requested simply result in a reconfiguration and reorganisation of open space zonings within the O'Callaghan Properties landholdings in the South Docklands. This results in an improved alignment of Kennedy Spine and the introduction of green infrastructure and links across the sites. The



modifications would be considered minor in nature and therefore will not have significant effects on the environment or adversely affect the integrity of a European site.

HJL have prepared a thorough comparative review of the proposed quanta of land use across O'Callaghan Properties landholding as indicated within the Material Alterations Zoning Map issued against the corrected alignment of the Kennedy Spine further west at a reduced width as directed by the Chief Executive.

The review clearly indicates that had the recommendations of the Chief Executive been properly represented in the proposed zoning alterations, there would be an overall reduction in Public Open Space and an increase in New Residential Neighbourhood across the O'Callaghan Properties sites.

The comparative review clearly demonstrates that the modifications requested will not result in an increase in the area of land zoned for any purpose nor is there an addition to or deletion from the record of protected structures requested.

Critically, it is noted that the requested modifications:

- 1. Are entirely within the red line of the proposed alterations to the Draft Plan (ref. Zoning Amendment 2.20);
- 2. Are entirely on lands within the ownership of O'Callaghan Properties. There are no third party lands affected.
- 3. There would be an immaterial net change to the quantum of land use zonings as a result of the modifications.

7. CONCLUSION

Tom Philips + Associates have reviewed the proposed Material Alterations to the Draft Cork City Development Plan 2022-2028 and respectfully request on behalf of O'Callaghan Properties and Leeside Quays Ltd that Cork City Council undertake the above requested modifications to address errors and inconsistencies in the representation of the proposed material alterations to the Draft Plan.

In closing, it is respectfully requested that the Planning Authority positively consider this submission for the reasons outlined above.

Yours sincerely,

Orla O'Callaghan **Senior Planner**

Tom Phillips + Associates

Orla O'Callaghan

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Appendix A HJL Maps

