

Tom J. Coleman  
[snip]

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1 D01 V902

16th January 2018

ref: Planning Application No.: 17/37279  
Applicant's Name: Moneda Developments Limited  
Development address: The Former Good Shepherd Convent site  
Convent Avenue and Buckston Hill  
Sunday's Well, Cork.

To Whom it May Concern:

I, Tom J. Colman, [snip], hereby appeal against the decision of Cork City Council dated 12th December 2017 to grant conditional permission to Moneda Developments, Ltd., on foot of application No. TP 17/37279, for the development of housing in the former Good Shepherd Convent, Sunday's Well, Cork.

I am also chairperson of the informal action committee elected to represent the residents of Sunday's Well and Blarney Street, who are concerned about this development. As there has been a significant outcry from residents, I am also requesting that An Bord Pleanala establish an oral hearing on this appeal, so that the issues surrounding our objections can be aired publicly and openly.

In my appeal, by which I wish to represent the concerns of the local residents, I refer to the following documents:

- [1] Inspector's Report 2007, An Bord Pleanála, Ref PI28.219782, 30th March 2007
- [2] Decision 2007, An Bord Pleanála, Ref PI28.219782, ?April 2007
- [3] Environmental Impact Statement, Moneda Developments Ltd., February 2017
- [4] Planner's Report April, Cork City Council, TP 17/37279, 7th April 2017
- [5] Senior Planner's Report April, Cork City Council, TP 17/37279, 10th April 2017
- [6] Request for Further Information, Cork City Council, T12 T997, 10th April 2017
- [7] Response to Request for Further Information, Coakley O'Neil Town Planning Ltd, Letter , 18th October 2017
- [8] Environmental Impact Assessment Report Issue 2, Moneda Developments Ltd., October 2017
- [9] Objection to Planning Application No. 1737279, Tom Coleman for the Action Group Committee, 22nd November 2017
- [10] Transport and Mobility Report March, Cork City Council, TP 17/37279, 31st March 2017
- [11] Letter, Niamh O'Brien, TP 17/37279, 7th April 2017
- [12] Transport and Mobility Report December, Cork City Council, TP 17/37279, 8th December 2017
- [13] Planner's Report December, Cork City Council, TP 17/37279, 11th December 2017
- [14] Senior Planner's Report following receipt of further information, Cork City Council, 12th December 2017
- [15] Cork City Development Plan 2015 - 2021, Cork City Council, 2015
- [16] Design Manual for Urban Roads and Streets, Dept. Transport, Tourism and Sport, 2013.

Annexe 1: Evaluation of the EIAR statements

Annexe 2: Response to the RFI

Annexe 3: Review of the conditions posed in Planner's Report December [13]

Annexe 4: Signatures of concerned residents at the meeting on 9<sup>th</sup> January 2018 [NOT INCLUDED]

*NB: Documents [1], [2], [4] - [7], [9] – [14] are available at [gsc-cork.uxs.ie/public.php](http://gsc-cork.uxs.ie/public.php); Document [3] is available from [planning.corkcity.ie/AppFileRefDetails/1737279/0](http://planning.corkcity.ie/AppFileRefDetails/1737279/0); Document [8] is available from [gsc-cork.uxs.ie/eiar.php](http://gsc-cork.uxs.ie/eiar.php); Document [15] is available from [www.corkcitydevelopmentplan.ie/index.php/documents/](http://www.corkcitydevelopmentplan.ie/index.php/documents/); Document [16] is available from [housing.gov.ie](http://housing.gov.ie).*

*Annexes are part of this document. For reasons of confidentiality Annexe 4 is not included.*

Some measure of the strength of local opinion against the proposal can be seen from the number of signatures obtained at a recent meeting on a wet and cold evening (see Annexe 4).

There are clearly argued grounds for rejecting a proposal to build a large housing development on the Good Shepherd Convent grounds; the Frinailla Ltd. proposal of 2007 was recommended for refusal by the An Bord Pleanála Inspector's Report [1] and the Moneda Development Ltd. proposal of 2017 was recommended for rejection by the Cork City Council's Planner's Report of April [4] and, among others, by the Transport and Mobility section of Cork City Council in March [10]. In the case of the previous proposal by Frinailla, acceptance was finally recommended by An Bord Pleanála subject to 25 detailed conditions outlined in the Decision document of 2007 [2], and in the case of Moneda, acceptance of a revised proposal was finally recommended by Cork City Council subject to 44 conditions [13]. Frinailla Ltd. ceased trading in 2009.

This history indicates that both An Bord Pleanála and Cork City Council recognise that this is a problematic location in which to develop, and that proper development can only proceed after a large number of demanding conditions have been met. This is consonant with the assessment by the Cork City Development Plan [15]: 'Intensification of vacant and under-used sites [in this area] is problematic because of poor access and integration of the sites with the already narrow surrounding road network' (p. 67)

In the particular case of the Moneda proposal it is noted that permission was initially denied to the first proposal by Moneda subject to the satisfaction of a request for further information [5]. A second proposal with some minor variations from the first proposal was made by Moneda and a revised Environmental Impact Assessment Report was issued [8] which was to a great extent a cut-and paste from the previous Environmental Impact Statement [3]. As an egregious example, the Gantt chart, Table 6.1 in both documents, is unchanged, down to specific starting dates and phase durations. More information regarding the misrepresentations and errors in the two environmental analyses is contained in Annexe 1. None the less, Cork City Council decided to accept the second proposal on the basis of the two Planners' Reports [13] and [14].

A project similar to one which may be envisaged from an appropriate satisfaction of the 44 conditions imposed by the Planner's Report of December [13] was earlier rejected by the An Bord Pleanála Inspector [1] who wrote 'the proposed development would be contrary to the proper planning and sustainable development of the area' (recommendation 10.1) and was only admitted on the basis of 25 detailed further conditions by An Bord Pleanála [2]. This previous project was never brought to fruition by the proposer, who ceased trading shortly after. This may suggest that realistically, a sensitive development on the proposed scale in this location is in fact financially not viable.

The Senior Planner states that this is a 'highly significant proposal' [5], [14] although for whom this significance matters is left unstated. Moneda are in fact aware of the weakness of their proposal: the language of the EIS and EIAR is repetitively promotional, often vague, and contains constant re-iterations of information which is only partially true (see Annexe 1). Furthermore they did not answer the request for further information [6] in full [7] (see Annexe 2). None the less, Cork City Council persist in supporting it.

I note further that no external reports from the Emergency Services (Fire, Ambulance), nor from the Environmental Protection Agency were presented in any of the Planners' reports. The Planner's Report April [4] contains a list of nine internal referral reports on p.8 and two external reports, the one from An Taisce 'notes concern'. The Planner's Report December [13] contains a list of five internal referral reports all of which recommend granting subject to conditions (the Planner's Report of December [13], p.1). External referrals are not represented in this latter report which we regard as deficient.

**I appeal to An Bord Pleanála against this decision on the grounds that the high density of the proposal, given the poor road infrastructure and strategic location of the development area will cause exceptional traffic problems for commuters and parking difficulties over and above what may be expected from sustained growth in Cork city, as acknowledged by Cork City Planners [4] . There is no evidence either in the EIAR by Moneda Developments Ltd.[8], nor in Cork City Council's acceptance [13] that effective traffic mobility management can be done; nor that the development will avoid seriously overlooking adjoining properties; nor that it will not be visually discordant with the rest of the area.**

I further note in support of our appeal that:

1. The conditions imposed by the Planner's Report of December [13] are in many cases vague and aspirational rather than practical (see Annexe 3);
2. Some critical practical actions based on the conditions imposed by the Planner's Report of December [13] should be carried out before detailed planning may even begin as their results may inform the way the site is planned;
3. The clear and evidenced technical objections contained in the Action Group objection [9] have not been answered, neither in the revised proposal by Moneda nor by the imposition of the 44 conditions in the Planner's Report of December [13];
4. The project, far from 'adding vibrancy' [12], will detract from the character of the area.

Detailed grounds for the appeal may be summarised under four headings. The details from which this appeal arises are spelt out in the Action Group objections [9] many of which have been acknowledged as problems but not resolved by the Planners' Reports [13] and [14]

## **1. Population density and traffic movement**

The proposed demographics are not easy to guess but in the EIAR [8] it is said to be targeted 'primarily at the private rental market but also owner occupation, including single person living, provision for social and affordable housing, and provision for older persons who are downsizing.' (p.54, [8]). Further on, 'The mix is consistent with the private rental market with a preference for apartments' (p.58 [8]).

Each of these categories of people will require at least one car per couple, and usually two. The Cork City Development Plan ([15] vol. 1 p.54) notes that in this area of the city, currently 83% of the people depend on cars for transport.

Since there are 384 bedrooms, the number of people at full occupancy will be somewhere between 384 and 768. We may estimate therefore there will be somewhere between 300 and 500 cars. This is inappropriate in an 'area of high landscape value' (p. 16, [4]). See Section (1) of Action Group objection [9] for a detailed analysis of the population density of the proposal.

Reasons for car ownership in this part of Cork are as follows:

- lack of public transport (See Action Group Objection [9] Section 7)
- distances to primary, secondary schools, city centre amenities, medical care
- steep gradients on roads leading up to the area that discourage walking and cycling
- narrowness and steep bends in critical roads that discourage cycling.

High rates of car ownership and use will be inevitable for this area, especially with the addition of a crèche, to which parents invariably bring young children by car. See [10] p.2: 'I disagree with the assessment that the area is easily accessible by walking, cycling or taking public transport.' Section 4 of the Action Group Objection [9] gives a detailed account of the problems of access to essential amenities.

There are two elements of a traffic solution.

1. The proposal has addressed junctions in the immediate vicinity but it should be noted that the wide 85% confidence intervals with conservative estimates will always produce low numbers. This is a fact of mathematics. The simple request from Niamh O'Brien [11] for 'the version of TRICS database being used as well as the details of the developments being used to form the trip generation information' has gone unheeded so we don't know on what basis the optimistic impacts predicted by Moneda have been made, or how accurate the vehicle movement counting exercise was (no error rates are given - see [8], Chap. 5, passim, it might have just been a lucky day).
2. The other element is the width of the roads. The Action Group objection [9] Section 2 contains a detailed analysis of the numerous narrow stretches in the road infrastructure around the area which are simply a fact of life. At 4760mm width, Convent Avenue fails to meet the minimum road width requirement as determined by the DMURS [16] for a two-way road (private vehicles only). As everybody agrees, this part of Cork is already a congested area and so the traffic modelling, which is most certainly not an 'exact science' (as [12] agrees), has to take this local knowledge into account.

The area for the proposal is strategic in that it sits between and therefore affects two major routes into Cork city from the North West: Sunday's Well and Blarney Street. The additional traffic generated by the proposal, and the effect of the heavy construction traffic (see Action Group objection [9] Section 3 for a detailed analysis), must be evaluated upstream and downstream of the area under development. Quite apart from any general increase in traffic in Cork city, additional traffic movements in this area and heavy construction traffic will impose severe delays to commuters in a network already acknowledged as operating beyond capacity.

It is also worthwhile to note that the Old Shanakiel Hospital will soon become a primary care facility and the new housing development in Blarney Street will also generate greater amounts of traffic in this area. It is difficult to see how Cork City Council will be able to create a realistic Mobility Management Plan (Condition 20, Planner's Report December [13]) given these facts but certainly, such a plan should be demonstrated to show that it is, in fact, feasible. If it is not feasible the proposal is deficient and needs revision.

The proposed increase in population suggested by the proposal will make access by emergency services (Fire, Ambulance) very difficult for not just the development location but also for areas contiguous to it. To allow such a project to proceed may be regarded as reckless endangerment.

## 2. Visual amenity and overlooking

The visual form of the proposed new structures, which are flat-roofed box-like constructions using materials which have not yet been specified, can in no way fit with the syntax or semantics of the existing architecture of the area. It will, in the language of the EIAR [8] Chapter 7, form a 'chiasmic discontinuity'. Moneda are aware of this as they take great pains (see [8], Chap. 7, passim) to show how the new buildings will be screened from view by foliage throughout the 'Zone of Theoretical Visibility' (p.77, [8]), although despite a

request for further information on this topic ([6], item 7), no winter views were presented in [8]. Lack of winter views is commented on but dismissed as unimportant in the Planner's Report of December [13].

Section (11) in Action Group objection [9] further documents objections to the alterations in visual amenity entailed by the proposal to which there are no solutions in the Planner's Report of December [13].

There are no conditions expressed with regard to siting of receiving dishes and aerials on the flat roofs, which will always be a temptation, especially if internet and telephone cabling is not being provided. This will give rise to an extremely unsightly and discordant visual element at roof level. Cabling in general is not mentioned in the conditions in the Planner's Report of December [13], whereas it might have been expected that an important consideration would have been to place all cabling underground.

None of the remarks on overlooking and privacy issues in Action Group objection [9], Section 6 have been taken account of in the conditions of acceptance in the Planner's Report of December [13]. With regard to Block B2, siting it 5 metres further North (Planner's Report of December [13] Condition 2a) will make it dominate the landscape and result in substantial overlooking of the properties at No 5, 6, 11, and Meelmane from the rear windows. It will block light from the west. It will detract from rather than respect the existing protected structures on the Good Shepherd site because of its prominent location and will most certainly not be in the interest of the visual and residential amenities of the area.

### **3. Geological issues**

It is acknowledged in [1] that the area has a 'locally important bedrock aquifer' (p. 26). The aquifer is considered to be of 'extreme vulnerability' (see p.263, [8]) and in Action Group objection [9], Section 8, a history of difficulties with water from this aquifer is presented. The EIAR [8] refers to a survey done by ARUP in 2005 and states that 'the report did not describe the geology in any detail.'

As stated in the Planner's Report of December [13] Condition 41, a geological survey should take place. But this should be done *before* the site is planned so that the safest location and size of load bearing structures can be addressed. Indeed, a geological survey may indicate that the current proposal would lead to a disturbance to the underlying aquifers that would not only affect the properties South of the site but the Sunday's Well Road itself. The position of the original 'Well of the King of Sunday' should be noted.

Thus in granting permission, however conditional, to a proposal which does not take into account the geological structure of the area, is premature and should not be allowed.

### **4. Historical issues**

Although others have commented in some detail on this aspect of the proposal to build over the Good Shepherd Convent grounds, the examination done to date is of a cursory, serendipitous nature. It is noteworthy that from the 1911 census 50% of the inhabitants were children and young adults under the age of 18. From what we know of mortality rates in general and in institutions in particular we would expect to find a far greater number of burials than have so far been located, although we understand that some burials took place in 'mass graves' in other cemeteries in Cork. Local knowledge and history would indicate that other areas of the site should be subject to geophysical survey most particularly the area noted as Areas 5 & 6 (Figure 6 Chapter 12 EIAR [8]). Moneda expressly rejected the Request for Further Information regarding desk research into the records of the institution as 'irregular' and 'no longer relevant' ('RFI Item No. 8', [7]) and did not survey area 5 as requested.

Cork City Council acknowledge that there may be further unmarked graves in the Planner's Report of December [13] by Condition 10(e) which stipulates that all construction work must cease as soon as any evidence for previously undocumented burials is uncovered. But to start excavation work in an area where there is a strong possibility that undocumented graves exist with the ever present risk of all work having to be stopped for an indefinite period of time is nonsense.

Condition 11(d) in the Planner's Report of December [13] continues to require 'desk research' of this nature which is gratifying, but since Moneda's response has been to reject it, it may be an indicator of Moneda's response to any conditions imposed on them with which they disagree or find restrictive: which may include the idea of stopping work for an indefinite period of time if any evidence is uncovered.

## **Conclusion**

I have endeavoured to point out that from their own analyses that both Moneda and Cork City Council are fully aware that this is an extremely difficult proposal, but that relevant information has been systematically softened or omitted.

The 44 conditions which Cork City Council attach to their acceptance [14] can't be used as solutions because they are aspirational (they say what should be done) rather than practical (how it will be done).

Given the extent of the acknowledged difficulties, the work required by the conditions must be carried out first to demonstrate that the difficulties can be overcome; only then can a proposal be entertained. And in practice, we know that conditions may be ignored, weakened, or a proposer may cease trading before work on the conditions is started upon. And it may turn out, in the heat of the hunt, that some critical conditions are impossible when the work is half complete.

There are many solutions to what can be done with the Good Shepherd Convent area; the present solution from Moneda Developments Ltd. presents a solution with a considerable risk to the standard of living in Cork city. I, on behalf of the local residents and myself, strongly urge An Bord Pleanála to dismiss this proposal.

Signed,

16<sup>th</sup> January 2018

## Annexe 1: Evaluation of the EIAR statements

In general, the EIAR is replete with obfuscation and disingenuous claims about how attractive the site is for walking and cycling to the city centre. There is an unsubstantiated and unjustified presumption that new residents will not use cars, in fact, a claim that cars are not necessary to the existing inhabitants of the area is made (see section 8.3.7 and comment, below). This is inaccurate. The Cork City Development Plan [15] Vol. 1 p.54, Table 5.1 shows that for the South West of the city, 82% of the inhabitants rely on cars to get them to work.

There is an oft-repeated mantra that the alternative to the proposed scheme is the 'do nothing' option, an idea borrowed (as is much material in the EIAR) from the Frinialla EIS of over ten years ago. This is untrue, as the objection by the Action Group Committee [9], section 12.3 has pointed out. However, the use of this stark contrast by Moneda suggests that unless the development is allowed to proceed at its projected high population level, Moneda themselves can envisage no other option than to 'do nothing'.

### Non Technical Summary (EIAR)

#### P12 Site and Scheme description

"The former Good Shepherd Convent site in Sunday's Well is well located, close to Cork City centre and near good road infrastructure. There are also good public transport links and a network of footpaths to the city centre and southern side of the city offering a viable alternative to the private car commute."

This is misleading as the distance to the nearest shopping centre in Cork city is over 2km away, returning up steep hills either in Blarney Street or Wise's Hill. There is only one bus with infrequent schedule which does not go anywhere near the city centre or any shopping centre. The footpaths are generally in a derelict and state of dangerous repair and nobody would use them at night. In general, families with children in Cork city need two cars. The traffic volume during holiday times is noticeably decreased because most parents have to drive their children to schools to which there is no public or school transport.

#### P14 Planning Policy Context

"The proposed development will provide high quality accommodation.....in close proximity to the city centre where walking and public transport are viable community options..."

**This theme of closeness to the city and viability of public transport and walking is repeated throughout the EIAR but it does not represent the real conditions in the area.**

#### P 16 "provision of emergency access to Buxton Hill"

The Buxton Hill entrance has been rejected after RFI and this is specified in EIAR. No indication on plans of projected development of any access to or from Buxton Hill.

See also Chapter 5 : 5.8.12.1p59 "The former pedestrian access from Buckston Hill will be closed off"

This is therefore not a correct statement.

#### P17 Residual Impacts

"Access to the amenity for the greater population is also improved. For the first time the general public will be able to access the historic site."

This is not correct. Residents in the area and their children were used to using the grounds, visiting the tomb of Holy Nellie, and even given a guided tour of Holy Nellie's bedroom while the nuns were in possession of the property. The nuns were always very open and accommodating to visitors.

### Chapter 2

2.2 p11 EIAR (Oct 2017) "The Minister for Housing, Planning and Local Government, Simon Coveney, (has promised 30000 new homes in Ireland.....)".

Simon Coveney has not been Minister since June 2017 when he was replaced by Eoghan Murphy. In general the revised EIAR relies heavily on cut-and-paste from the EIS.

### 2.3 Site Selection

P 12 “The former Good Shepherd Convent site is....near a good road infrastructure network”

“The site has good public transport connectivity to the city centre and to the southern site of Cork City. The site is located approximately 400 m from the nearest Bus Eireann bus stop. The site is also connected to the city centre via a good network of footpaths, approximately 1.5 kilometres. There is a good existing road network which connects the site to local residential areas whilst also linking the site to larger centres of population including Shanakiel, Cork City Centre and the south of Cork City including University College Cork.”

The proximity to the nearest Bus Eirann stop is miscalculated. The distance to the city centre is misleadingly stated (we should be told at least the distance to the nearest city centre shopping area which lies on the outskirts of the city centre). The road network consists in many stretches of narrow one-vehicle roads and of footpaths which are dangerous in the evening hours. Pedestrians, especially female pedestrians, are continually advised to avoid these footpaths at night.

There is no public transport service to the city centre. This ceased several years ago.

## Chapter 3 Alternatives considered

### 3.6 Conclusion

“The proximity of the site to the city centre is attractive to those who may work in or around Cork City as the city is easily accessible by walking, cycling or taking public transport. This reduces the requirement for car parking spaces on site”

The site is situated on the side of a hill. The city centre is downhill from it, and further amenities are situated uphill from it. The area has been noted as 'problematic' for the cycling plan of Cork city because of the steep gradients and the narrow roads which make cycling dangerous, especially in wet and dark conditions. The city centre proximity to the main streets of Cork city is definitely not attractive. As analysed in the body of this appeal, car ownership will be the norm for residents.

The availability of public transport to the site is a constant but extremely misleading theme in the whole of this document. The only public transport service within a reasonable distance is an infrequent service which does not go near the city centre. See the Objection [9] section 7.

## Chapter 4 Site and Scheme Description

4.4 p 28 “The provision of 202 apartments”

There is inconsistency and confusion : elsewhere the scheme is mentioned as comprising “202 residential units” (e.g. p 31), “202 units” ( p 57) “202 residential units (apartments and houses)” (e.g. p161). See the body of the appeal for an analysis of the likely size of the population of the site.

## Chapter 5 Planning and Policy Context

### 5.7 Planning Application and RFI

P 53 “A Request for Further Information (RFI) was issued on 10<sup>th</sup> April 2017 ... The time period to respond to the RFI was extended by agreement to 18<sup>th</sup> January 2018”

The response by Moneda was submitted in October 2017 - 3 months in advance of the requested extended deadline. There was plenty of time to provide winter views as specifically requested in the RFI, but these were not provided.

#### 5.8.2 Zoning

P 54 “The proposed residential development will protect the established residential character, encourage additional population in a sustainable location, will retain and support new local services.....etc”

Although this is a laudable aim the EIAR does not explain how the established residential character of the area will be 'protected' or what the precise meaning of 'sustainable' in this context is. Which local services will be retained as a result, and which new services and where will they be accommodated?

#### 5.8.4 Design and quality of overall layout

P55 Three blocks of residential apartment buildings (B1 B3 and B4) of between three and four stories (sic) above undercroft parking are proposed to the southeast of the site with two blocks of 3-storey houses (B2 and B5) proposed along the south-eastern boundary. This will.....respect the immediate local context of neighbouring dwellings to the east, south east and south”

This means these structures will be between four and five stories since the undercroft is a ground level of its own, on top of which the proposed storeys are to be built. The local context of (established) neighbouring dwellings are owner-occupied single family houses whereas these will be apartments with undercrofts. Visually, as Moneda acknowledge through their pictures of the way their structures will be hidden from view by foliage at least in the Summer, they will be discordant with the neighbouring dwellings.

#### 5.8.5 Existing Residential Housing

P 56 “The layout and spacing of the proposed development will avoid overlooking and overshadowing of existing residential areas to the north, west and south east....”

No mention of south and south west, i.e. there will be significant overlooking and overshadowing to the south and south west. It is notable that there are no views whatsoever from the south. This is because the proposed buildings will be extremely visible and nothing can be done to hide them. Visually, the buildings will be at the same visual angle as the top of the Convent roof.

## Chapter 6 Construction Activities and Demolition

### 6.2 P 63 – 64 Activities, Duration and Phasing

....”The overall programme is summarised in Table 6.1 below.

Table 6.1 The Indicative duration of Construction Activities for the Proposed Development”

The time framework in the table is identical in EIS and EIAR as is the proposed completion date. It has not been adapted or altered to take into account the several months' delay caused by the request for RFI and subsequent appeals. This is misleading information. The construction phase is repeatedly referred to in both the EIS and the EIAR documents as 4 years. As the objection to the planning application [9] explains in quantitative detail, there is no access to the site that does not require passage through parts of streets which can barely fit one car, and the broadest street, Convent Avenue, is insufficient in width to accommodate two saloon cars. The result of this narrowness in the road network will be that construction traffic will be severely delayed if not halted at peak traffic times. This is not taken into account in the Gantt chart which requires that 10 trucks/ hour be the normal rate during excavation.

## Chapter 7 Landscape and Visual

No winter views provided as demanded in RFI

Yet the only reference to winter is on p 98 “Considered View 2 (*View from Hartland's Avenue, looking north*) When vegetation is in leaf, the proposed development will generally be imperceptible. This will change in winter when the proposed building in the north western part of the site will be visible through filtered branches”

Moneda acknowledge that presumably because of the visually jarring nature of the development, imperceptibility is a good thing. However, imperceptibility is not always possible, as this statement acknowledges.

## Ch 7.9 Residual Impacts - traffic impact

P 100 "The increase in resident population will slightly increase local traffic. Changes to vehicular queues at certain times of the day may slightly alter the current neighbourhood character during these periods"

The word 'slightly' is misleading. Adding an outflow/ inflow of between 300 and 500 cars is not insignificant. We are however glad that Moneda recognise that the current neighbourhood character will be altered, although they underestimate by how much.

## Chapter 8

### 8.2 Assessment Methodology

This whole section is strikingly bare of details which allow a reader to appraise themselves of the adequacy of the assessment carried out. The baseline traffic count data (8.2.2.1) is a single-shot study, the data from which (p. 110, table 8.2) looks suspiciously low and suggests a lucky 'good day' for the developers. Traffic modelling is not a precise science, so information from local knowledge must always be used to supplement and enrich data obtained.

#### 8.2.8 Assessment criteria

"The assessment of impacts on the road network including the projected change in prevailing road conditions, has been based on the rating system in"

This sentence ends here and so does the sub-section. Perhaps this is information which is not palatable.

In most references to bicycle parking provision the EIAR states there will be 202 cycle spaces.

However, in Ch 8.4.5 (EIAR) in the specific paragraph "Cycle Parking Provision" it is stated "As part of this development, it is proposed to provide 234 bicycle parking spaces..."

This is contradictory information

#### 8.7.2 Vehicular access

p 146 "It is proposed to provide one vehicular access to the development"

"The existing gate will be widened to accommodate two-way traffic flow"

p161 "Vehicle access to the site will be through the existing Gate House entrance from Convent Avenue"

Either the gate will be widened or it will be retained as it exists. The gate is a part of the city heritage and is referred to in the City Development Plan [15].

#### 8.7.3 Proposed Improvements to the External Road and Street Network

"Due to its close proximity to key attractors....the majority of trips in the Sunday's Well area are carried out by foot....".....etc

This is misleading. The census is mentioned and the area compared with Blackrock, Dillon's Cross and City Centre which do have key local attractors. Sunday's Well has only one gastro-pub and one tapas bar. This amounts to a denial of car use in Sunday's Well which is certainly not the case. Each house in Sunday's Well Road has at least one car, as reference to the issuance of residents' car parking permits shows. Although it would be good to decrease the proportion of people in the South West area of city who rely on cars from 82% (see [15] Vol 1 p.54) the steep gradients and narrow pedestrian-unfriendly roads make car ownership a must at present, especially when it's raining.

The pedestrian measures proposed in this section will result in worsening and restricting traffic flow and parking in the Sunday's Well area.

No upstream or downstream traffic flow impact has been attempted in this section. No measures to mitigate traffic volumes which will inevitably increase significantly.

Note that in Chapter 10 paragraph 10.2.1.....p 167 it is stated

“...the proposed development will affect traffic volumes in its vicinity during the construction phase and operational phases”

We are glad that Moneda recognise this, although they clearly don't understand the amount by which traffic volumes will be affected. In 2015-16 two buildings on Sunday's Well Road were being rebuilt, they required a large amount of industrial traffic and generated constant traffic flow problems down this arterial road. We cannot imagine the traffic flow problems that will be caused by 10 HGV movements per hour for four years.

The following two statements are self-contradictory in the light of what has been said above:

16.1 p 275 "There will...be no significant impact on human environment related to traffic generated by the proposed development"

16.2.5 p 280 " Increased traffic volumes may have the potential to cause delays to motorists, causing nuisance to residents, passing traffic, or businesses in the vicinity"

Dangers to health and safety due to traffic congestion, access for emergency vehicles etc are minimised throughout this chapter.

## **Chapter 15 Material impacts**

### 15.4 Potential Impacts

"This section addresses potential impacts of the proposed development on material assets such as land use, property values, natural resources and services"

The issue of property values is not addressed. There is NO assessment of the impact on property values in the chapter, although the other mentioned material assets are evaluated.

## CHAPTER 16 POPULATION AND HUMAN HEALTH

16.1 This section contains more repetitions of the lack of significant impact on landscape and visual, traffic, noise & vibration, air quality without any supporting evidence.

### 16.2.5 Transient Receptors

p280 "This site and its immediate environs are currently not used for any tourist or recreational related activities."

This is factually incorrect: the well-visited Cork City Gaol is adjacent and so is the Strawberry Hill community centre which is a major focus for groups from all over the city.

16.2.1 Misleading and inaccurate description of the adjacent streets whose houses will be affected by the development:

Convent Avenue ("includes 12 dwellings in a terraced orientation and an apartment block")

Sunday's Well Road ("approximately 30 dwellings located on this road consisting of terraced, semi-detached and detached buildings")

Buckston Hill ("approximately 25 houses...")

Blarney Street ("approximately 50 terraced dwellings on the street")

These counts are incorrect. The number of properties has been minimised because it would seem that the number of houses has been counted only on the side of the streets adjacent to the proposed site. This is patently nonsense as houses from both sides of each street use the street.

## Annexe 2: Response to the RFI

### Response to RFI Item 1.

Moneda replied that no of units to be reduced from 234 to 202. This reduction would have a negligible decrease in the population within the development of a potential maximum of 916 down to 860. The last census showed that the Sunday's Well electoral area was 699 including children.

Blocks B2 and B5 are claimed to be mixed apartments and houses. They are in fact "3no 3 storey" flat roofed monolithic blocks that seriously overlook properties all along the southern perimeter. These do not resemble the types of housing structures in the Sundays Well area in general in shape, size or character.

Given 202 apartments the provision of 218 parking spaces is totally inadequate. Implied use of bicycles and pedestrian journeys does not reflect the location of the site, it's position on hills and very steep narrow roadways leading to and from the site and the lack of transport infrastructure. The topography of the site does not make it in any way suitable for use of bicycles to and from the site. The road network in the vicinity is narrow and in some places two cars can just about pass each other. The notion that cycle lanes can be introduced to this network of roads is unworkable as it would reduce the width to single lane roads. The resultant overspill of cars onto surrounding streets will have a disastrous effect on residents parking facilities which are at maximum capacity at present.

Table 8.7 EIAR shows that 320 car park spaces should be allocated to the site.

In 8.4.4 EIAR the statement that 218 parking spaces within the site will "eliminate the likelihood of excess parking demands on either the internal street network or the surrounding public street network". This is an aspiration that is neither quantifiable nor measurable and implies that parking demands **will in fact be** put on the surrounding street network but it will not be excessive. Again a statement that is made without any measurement or calculation and is wholly aspirational.

The introduction of 4 new junctions will have a slowing effect on traffic flow. The introduction of a new junction at Convent Avenue/Strawberry Hill along with new pedestrian footpath and cycle lanes will reduce this narrow 2-car roadway to a narrow single lane road way, further slowing traffic entering and exiting the general Sunday's Well area. This will become evident on inspection of these junctions at peak traffic times by An Bord Planeála ( ABP ) The introduction of traffic lights at Thomas Davis Bridge will cause further delays and slow down traffic flow. Moneda claim the exact opposite.

On 26/12/2017 in the Irish Examiner, Mr Aiden O'Neill of Coakley-O'Neill Town Planning makes the point that the creation of the North-West Ring road is required urgently to alleviate chronic traffic problems in this area. This ring road is many decades down the road from construction. This is the same Coakley-O'Neill company which is advising Moneda on this project and projecting negligible traffic increase during construction and operation of site.

The EIS and EIAR are essentially the same documents re traffic flow etc with very minor changes in EIAR and EIAR does not answer fully the RFI Item 1 requests.

With the increased traffic demands on the area the fact that no reference is made to what effect this will have on the response times of ambulance, fire fighting and other emergency services is alarming. Neither EIS, EIAR nor RFI mention this important aspect of this development and we note with alarm that this information has not been requested by the Cork City Corporation planners either [4], [13].

We must request that the transport/traffic section of Cork City Council obtain the opinion of these emergency services with regard to this development and the safe delivery of emergency services.

### **Annexe 3: Review of conditions in the planner's report (December)**

Please Note: *The conditions as set out by Cork City Council are in normal text, commentary on these conditions is set out in italics below the conditions to which they refer.*

1

The development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on 13/2/2017, as amended by the revised details submitted by way of further information on 19/10/2017, except where otherwise altered or amended by conditions contained in this Schedule.

2

The following modifications shall be carried out to the development and revised details shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

a) Block no. B2 shall be re-positioned 5 metres in a northerly direction to allow for an increased set back to the southern boundary.

b) Block no. B1 shall be omitted. Revised details shall be submitted for this area of the site, to provide for a re-configured and mainly landscaped area.

*With the moving of block B2 5 metres north, it is no longer in line with existing dwellings to the east on the southern boundary of Buxton Hill. This means that the end of the block is blocking all western light, and also contains windows on the North elevation that travel around the corners to the east. The move also adversely affects the properties set back from the north boundary of Buxton Hill on the same corner, as the blocks will look over the 6 ft wall into their front elevations.*

3

The units located within Level 4 of the Convent Building, Building A3 shall be omitted, ie. Units 25, 26 and 27 (indicated on Drawing no 16030\_A3\_AI0-01 Rev B) received by way of Further Information on 19/10/2017. (In the interest of the protection of the residential amenity of adjoining property to the north of the site.)

4

The proposed development shall provide a total of 179 no. dwelling units.

*The composition of these dwelling units is not specified, ie, apartments, houses, single occupancy, etc. This should be made clear before permission is granted as it will affect the population density of the proposal.*

5

Specifications, method statements and schedules of works to the existing retained structures shall be prepared by an experienced registered architect qualified to at least RIAI conservation grade 1, who shall certify upon completion that the works have been carried out in accordance with good conservation practice.

*This should be done before permission is granted to ensure that a satisfactory standard of work (not just good practice) is obtained.*

6

All external finishes shall be strictly as per the submitted drawings and Architect Design Statement, submitted by way of further information on 19/10/2017. Prior to commencement of development a full schedule of external finishes, together with samples shall be submitted for the written agreement of the Planning Authority.

*The external finishes and samples should be submitted before permission is granted for review so that CCC is satisfied that the external finishes and samples are of adequate quality and visually consonant with the area.*

7

Prior to commencement of development a detailed schedule for all external hard landscape finishes, including samples shall be submitted for the written agreement of the Planning Authority.

*As above.*

8

a) Prior to commencement of development, a revised Landscape Masterplan to take account of the omission of Block BI shall be submitted for the written agreement of the Planning Authority.

*This should be submitted before permission is granted to ensure that the revised Landscape Masterplan is adequate for the area.*

b) All landscaping shall be undertaken strictly in accordance with the revised Landscape Masterplan.

c) A timetable / programme for the implementation of all landscaping and planting shall be submitted for the written agreement of the Planning Authority prior to commencement of development.

*To what criteria will the satisfactory implementation of the Masterplan be assessed?*

9

The opaque treatment indicated to windows on the northern elevation of Buildings AI - AS shall be designed as an integral and permanent design feature to the windows.

*How will CCC and Moneda ensure that future tenants will not undo the opaque treatment?*

10

(a) Prior to commencement of development the developer shall retain the services of a suitably qualified archaeologist (licensed under the National Monuments Act 1930-2004) at his expense to advise regarding the archaeological implications of the development site. Notification of these arrangements shall be submitted to and agreed with the Planning Authority and relevant statutory authorities prior to commencement of any development. Construction work shall not proceed until the following have been carried out to the satisfaction of the Planning Authority:

(b) The developer shall employ the archaeologist to test those portions of the site which were not previously available or suitable for testing in prior archaeological phases of work. Facilities such as may be required shall be available to the archaeologist for this purpose. The services of a suitably qualified osteoarchaeologist shall be retained to assist with this programme of works.

*This should have been done at the RFI stage. That it was not done is evidence of a poor attitude to this issue by Moneda who may indeed fear that issues may arise which will stop the project. Moneda must do this work before permission is granted and permission should be conditional on a 'clear' assessment.*

(c) The archaeologist shall submit a report to the Planning Authority outlining the results of the investigation and their reports on any archaeological or other significant finds.

(d) If, in the opinion of the Planning Authority, significant archaeological remains are uncovered, and in so far as these remains are subject to disturbance by foundations for pilecaps, walls, floors, drainage, etc., then archaeological preservation of the site (either in-situ or by record) will be required.

(e) If any evidence for previously undocumented burials is uncovered, all work on the site shall cease until such time as an appropriate mitigating strategy is devised in consultation with relevant statutory authorities including National Monuments Service and The National Museum of Ireland.

*Once work has commenced it will be difficult to stop any further work on the site by the developer and legal issues may arise if this is attempted. In any case, to agree to such a condition on the part of the developer on a site which is suspected of containing undocumented burials is foolhardy in the extreme. Given the poor attitude of Moneda to the RFI (see 10a above) we must insist that all this work is done before permission to carry out any work is granted.*

(f) Provision for reporting the results of such investigations for the benefit of the public has been agreed with the Planning Authority.

*This should be done before permission is granted given the sensitivity of the site so that we may be assured that a proper scholarly treatment will be given to this information. As the Council recognises, it is necessary to place this correctly in the public domain.*

(To ensure that elements of archaeological, architectural and other cultural significance are identified, retained and interpreted wherever possible and the knowledge placed in the public domain)

11

(a) Following the completion of archaeological testing works outlined above, the developer shall retain the services of a suitably qualified Archaeologist, (licensed under the National Monuments Act 1930-2004) at his expense to monitor all ground works at the site. Notifications of these arrangements shall be submitted to and agreed with the Planning Authority prior to commencement of any development.

*The conditions of work and whom this individual reports to should be proposed before permission is granted.*

(b) The excavation of all foundations, pile caps, walls and floors below present ground level shall be supervised / monitored by the archaeologist. Facilities that may be required shall be made available to the archaeologist for this purpose.

(c) The Planning Authority shall be notified of the commencement of the development in writing.

(d) The archaeologist shall submit a report to the Planning Authority outlining the results of the investigation and a report on any archaeological or other significant finds retained and interpreted wherever possible and the knowledge placed in the public domain.

*The periods of reporting and the public domain outlets should be specified before permission is granted.*

12

In consultation with the City Archaeologist, parameters will be designed to allow for satisfactory level of research into the records of residents of the Institution. The results of the research is to be presented as part of a final report on completion of all other archaeological works on this site, and in accordance with the terms and conditions of the granting of an archaeological licence.

*This had been requested as part of the RFI and was ignored by Moneda. We have no assurance that Moneda will not continue to dismiss the importance of this work. This is why this work must be carried out before permission is granted.*

13

Prior to commencement of development, the applicant shall submit proposals for the written agreement of the Planning Authority, for the interpretation and memorialisation of the site, to be housed in the former Bakehouse, in consultation with relevant representative groups associated with the history of the Good Shepherd Convent.

14

Prior to commencement of site works the building shall be surveyed to ensure that there is no active nest or roosting site within the buildings. A barn owl box shall be provided within the site prior to the commencement of works. In addition 6 swift boxes shall also be provided within the site.

*Who will carry out the survey, to whom will they report, and who will maintain and monitor the state of these boxes, and under what kind of contract?*

15

a) The conditions of the bat derogation licence shall be implemented under the supervision of a suitably qualified ecologist. This shall include removal of roofs and other potential roosting habitat within the area where bats were located shall take place outside the bat breeding season. Once scaffolding or other lifting equipment is in place and endoscope survey will be carried out to more accurately assess usage. Roosting sites and crevices can then be blocked off with bubble wrap or similar to prevent bats from re- entering. Nets may also be required for larger areas

b) Maternity bat boxes will be erected prior to commencement of works on the building. This will take place under ecological supervision and taking into account of the short term and long term requirements of the bat population on the site

*Who will carry out this work under (a) and (b) and to whom will they report, and what powers will they have to ensure that their recommendations are complied with? This must be settled before permission is granted.*

c) Ongoing bat surveys will be undertaken to ensure bats do not return to the main structure during the works period. If they are detected then NPWS shall be contacted.

*Advice from NPWS should be sought before permission is granted as to how to manage returning bats and this should be made part of the proposal to ensure that it is adequate.*

d) External lighting should be kept to a minimum at locations where it is likely to disturb bats

e) Any sections of stone wall to be removed should be searched using an endoscope for bats

16

All mitigation measures as outlined in section 7.8 of the EIS shall be carried out in full particularly with respect to tree protection, tree care plan and replanting programme.

*Who will carry this out, and when?*

17

Tree felling or scrub clearance should not take place during the breeding season April - July to avoid disturbing breeding birds.

*Who will monitor this, and how will infractions be dealt with?*

18

A Management Plan for the control of alien invasive species shall be devised and implemented.

*Because this may be such a low-priority item for the developer, it must be produced before permission is granted.*

19

The total parking supply on the site shall not exceed the maximum parking standards for Zone 3 as set out in the City Development Plan 2015-2021. The following shall apply:

a) The provision of a maximum of 206 car parking spaces inclusive of 11 disabled parking spaces for the full development.

*We have demonstrated elsewhere in this appeal and in the objection [8] that this is not a sufficient number of parking spaces given the population size of this development. In reality, car parking will spill over to take up car parking space now used by the residents. This space is already at a premium.*

b) The provision of a minimum of 179 high quality covered cycling parking facilities

c) Adequate space shall be allocated to cater for the charging of Electric Vehicles (EV's) on the proposed site, as provided by ESB ecars, in line with National Guidelines. The provision of Charge Points in the parking area shall cater for up to 10% of spaces being allocated for Electric Vehicles and shall be designed by the developer whereby all costs associated shall be at the developers expense.

20

The targets and measures in the Mobility Management Plan (MMP) shall be agreed with the Planning Authority prior to first occupation of the proposed development.

*Because of the inadequate road network surrounding the development area there is a strong possibility that no MMP will be able to cope with the demands of the development at first occupation. A convincing MMP must be presented before permission is granted, using reliable vehicle counts, a fully transparent predictive model, and up-stream and down-stream predictions for traffic flow from the Wilton Roundabout to North Gate bridge, via Sundays Well and Bandon Street. If this model is not convincing, permission for a development of this size should be withheld.*

The MMP for the development shall be updated with actual figures in respect of traffic volumes, modal shift and any other agreed parameters on an annual basis. Any actions arising out of the plan shall be implemented in the following year. The Mobility Management Plan shall be continually monitored by the mobility manager and a revised plan submitted for agreement to Cork City Council on an annual basis for as long as seen beneficial by the roads authority.

21

A Construction Traffic Management Plan for the proposed development including dedicated haulage routes, a protocol to be followed by HGV drivers and allowable operational times for the HGV's on the city's road network shall be agreed with Cork City Council and An Garda Síochána before works commences on site.

*As well analysed in the Objection [8] there is a strong likelihood that a Construction Traffic Management (CTM) plan will be impossible given the volume of construction traffic and its interaction with normal city traffic on the two vital approach roads to Cork city, and the narrowness of parts of the approach roads to the site. Therefore a CTM plan must be proposed before permission is granted in order to demonstrate that a development of this size is actually viable given the strategic location of the site.*

22

All public lighting requirements associated with the proposed development shall be agreed with the Planning Authority prior to commencement of development. These works are to be undertaken and paid for by the applicant.

*These should be agreed to a schedule agreed before permission is given to ensure that the lighting requirement is adequately met.*

23

All external lighting requirements associated with the proposed development including lighting associated with the construction stage shall be designed collectively with any existing lighting (including public lighting) requirements. The external lighting requirements shall also optimise energy efficiency, incorporate glare control and be agreed with the Planning Authority prior to commencement of development. The works are to be undertaken and paid for by the applicant.

*As above.*

24

Drainage layouts and details shall be in accordance with Drainage Layouts, drawings, details and calculations submitted as part of Planning Submission and as modified by Further Information, subject to drainage conditions.

*These conditions need to be spelt out at this stage since there is some confusion in the Drainage internal reports as to whether the city drainage system can cope with the amount of waste water expected.*

25

All drainage shall be separated throughout. All paved and roofed areas shall discharge to the storm drainage system. All toilets, urinals, wash hand basins, sinks, showers, baths, dishwashers and washing machines shall discharge to the foul drainage system;

26

Drainage to be on separate systems connected at last manhole within development.

27

Where existing drain connections are to be retained. a CCTV survey shall be carried out of all existing foul and storm drain connections from the development as far as the public sewers and results submitted to the Planning Authority, prior to commencement of development.

Where necessary, remedial works shall be carried out, the scope of these works will be determined by the Planning Authority.

*Since this is treating existing drainage the extent and scope of remedial work should be assessed before permission is granted in case it becomes a prohibitive cost to the developer.*

28

Where existing connections to the public sewerage are to become redundant the public sewerage shall be made good. Any Redundant drains shall be sealed and blocked off at site boundary. Proposals in this respect shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

*Since this can be determined beforehand, provision for what is to be done should be made before permission is granted.*

29

All drainage constructed to facilitate the proposed development shall not be taken in charge by the Planning Authority. This development discharges to a private common drain in a private apartment complex prior to discharge to the public sewer. The operation and maintenance of the drainage system shall be the responsibility of a suitably qualified and experienced management company. Full details shall be submitted to and agreed with the Planning Authority for the maintenance of drainage within the development prior to commencement of development.

*A management company who will be able to undertake this work should be identified before permission is granted and their costs and operating procedure should be agreed with the Planning Authority.*

30

All storm runoff and foul water from the proposed development shall discharge through a single connection only to the public combined sewer in Convent Avenue.

*Since the capacity of the public combined sewer was questioned in the planner's report of 2007 [1] the design and calculation of this work should be done before permission is granted in order that Cork City Council may be assured that it is feasible, and the costs of upgrading the existing sewerage assessed.*

31

Surface water from the site shall not run across public footpath (or road).

32

The development shall adhere to the standards set out in the document "Minimum Engineering Requirements for Residential Site Development Works" October 2010, available for download at ...

33

All proposed vehicular and pedestrian access points shall be designed in accordance with the Design Manual for Urban Roads and Streets (DMURS). Exact details shall be agreed with the Planning Authority prior to commencement of development. All costs associated with this condition to be borne by the Applicant.

*Since there is considerable doubt as to whether DMURS recommendations will be implementable given the widths of the road network, these details must be produced before permission to develop is granted.*

34

External road improvements as outlined in Drawings No TSKOOI - 01, TSKOOI -02, TSKOOI-03, TSKOOI-04, TSKOOI -05 submitted as further information on 19th Oct 2017, shall be carried out by the applicant at the applicant's expense. Final designs, incorporating any recommendations of a Stage 1/2 Road Safety Audit, shall be submitted for agreement with Cork City Council prior to commencement of the development. These works shall be paid for in full by the applicant and shall be completed prior to occupation of the development.

*Whereas the details must be submitted before permission is granted, since the construction traffic will impose a major stress on the surrounding road network, all alterations to facilitate construction traffic must be implemented and inspected before any construction work is carried out. The access has to be adequate before it can be used by construction traffic and it should not cause distress or hardship to local inhabitants.*

35

A Stage 1/2 and Stage 3/4 Road Safety Audit shall be carried out on the safety internal road layout and external road improvement schemes. Any recommendations resulting from the audits shall be incorporated into the final scheme and shall be carried out by the developer at the developer's expense.

*In order that a Road Safety Audit is given the importance to the public that it deserves it should be carried out before construction work is allowed to begin. No construction work involving construction traffic may be carried out until a Road Safety Audit has passed the road network as safe. To proceed otherwise may constitute reckless endangerment.*

36

Disabled parking spaces should be located as close as is reasonably possible to the building entrance points. Parking bay widths for disabled persons shall be a minimum of 3.0m wide by 4.75m long.

37

(a) Noise during site clearance and construction shall not exceed 65 dB (A), Leq 30 minutes and the peak noise shall not exceed 75 dB (A), when measured at any point off site.

(b) Working hours during site clearance and construction shall be restricted to 0800-1800 hours on Mondays to Fridays and to 0800-1600 hours on Saturdays. Activities outside these hours shall require the prior approval of the Planning Authority.

*Who will monitor that (a) and (b) are adhered to, how will complaints from local residents be handled and by whom? Under what conditions will the Planning Authority grant extensions to hours? There is a strong possibility that the problems with construction traffic access will result in the applicant seeking permission to operate at times when the roads are relatively empty: all during the night and that this permission, once given, will be taken as perennial.*

(c) Bored piling as opposed to percussive piling shall be used during site clearance and construction.

*Given the fragile nature of the geological substrate this is a part of the developer's activity that should be closely monitored. How will this be done, and what remedies will there be for residents whose property is damaged as a result of illegal piling methods?*

38

a) Construction waste such as wood, metal, and cardboard, shall be segregated and submitted for recycling. Waste Gypsum shall be segregated and delivered to an appropriate facility. Hazardous construction waste such as paint, lubricants, oil, lighting, wood preservative shall be segregated and disposed of at an authorised facility.

b) All asbestos arising from the demolition section of this development shall be disposed of in accordance with the procedures of Cork City Council.

c) The developer shall ensure that any waste moved off site during site clearance operations or construction works is removed by authorised waste contractors only. The material shall be taken only to sites authorised by a local authority or the Environmental Protection Agency.

*Since waste removal is at present a very sensitive topic in Ireland, an authorised waste contractor willing to undertake this work should be identified before permission is given and their estimates should be ascertained.*

(d) The developer shall consult with Cork City Council in regard to an proposed off site disposal of excavated soil or other construction waste and shall submit details of proposed disposal sites prior to commencement of construction activities. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority. This plan shall, inter alia, include the information recommended in sections 3.2, 3.3 and 3.4 of the document titled "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Development Projects" published by the Department of the Environment, Heritage and Local Government in September 2004.

39

a) The developer shall constitute a waste management company or structure for dealing with waste arising in the development.

*See above, to 38(c).*

b) The developer shall provide and maintain within the confines of the site, facilities for the storage of recyclable materials e.g. paper, cardboard, glass, metal. The developer shall make arrangements for the proper collection and submission for recycling of these materials.

c) The developer shall install an oil interceptor on the surface water system. The Developer shall operate a cleaning and maintenance regime for the interceptor. Waste from the interceptor shall be collected by an authorised contractor, and shall be disposed of at an authorised disposal facility.

d) The developer shall provide within the curtilage of the site designated vented waste storage space of sufficient capacity to accommodate the segregated storage of municipal waste, food waste and mixed dry recyclables.

Alternatively, a communal type storage area may be provided for larger type bins. It will be necessary in all cases to be able to present the wheeled bins at a convenient location for refuse collection. Details of waste storage and presentation shall be agreed with the Planning Authority.

40

(a) Upon commissioning of the structure, noise from activities associated with this development shall not give rise to noise levels off site exceeding 55dB(A) Leq, 15 minutes during the hours of 0800-2200 and 45dB(A) Leq, 15 minutes during the hours of 2200-0800. There shall be no audible tonal or impulsive noise. The developer shall engage the services of a noise specialist to assess compliance with this condition as required.

*Under what authority will the noise specialist operate, and how will infractions be dealt with? It is presumed that these dB limits are to be measured immediately behind the surrounds of the development. For dwellers in some blocks this will pose a difficulty since they are located extremely close to dwellings outside the development. It is difficult to see how this condition can be enforced.*

(b) Any public address system provided for this development (except for emergency purposes) shall be located internally.

*Noise levels (eg of whistles and alarms) should be stated and the conditions noted under 40(a) should be applied.*

(c) Any music associated with this development shall be so controlled as to be inaudible within the nearest noise sensitive receptor.

*Are these to be placed immediately outside the development area? See 40(a).*

(d) Noise from the premises shall not exceed the background levels by more than 5dB(A) during the period 0800-2200 and by more than 3 dB(A) at any other time when measured at any external position at a noise sensitive premises. The noise level shall be measured as Leq, 15 minutes

(e) No amplification equipment shall be used in connection with the playing of live music or recorded music from the premises between the hours of midnight and 0900 hours daily.

*How will (d) and (e) be enforced, by whom, and how shall complaints be dealt with? See 40(a). Unless this is specified in detail in these conditions it is essentially a worthless stipulation that may be broken with impunity and with no recourse by the local people either on or off site.*

(f) All entrance doors in the external envelope shall be tightly fitting and self closing. All windows shall be double glazed and tightly fitting. Adequate noise attenuators shall be fitted at any openings required for ventilation or air conditioning purposes.

(g) Prior to commencement of development the developer shall submit to the Planning Authority for agreement, full details of service plant such as lifts, pump generators, boilers, coolers, and fridges. Details shall include location and anticipated noise levels.

*These details should be part of the plan that the developer must submit for approval before permission is granted.*

41

Prior to commencement of development, the developer shall carry out an appropriate investigation / survey of the proposed development site, to identify and map any existing surface or sub-surface watercourses, springs, wells etc. within the site boundary. The developer shall propose appropriate mitigation measures for dealing with any such features identified, which are likely to be impacted by the proposed development (e.g. through construction of foundations, new utility networks etc). The developer shall submit the results of the

investigation / survey, as well as any proposed mitigation measures to the Planning Authority for written approval prior to commencement of development.

*Given the known classification of the underlying geology (see the Objection [8] section 8 and the appeal document to which this is an annexe) we strongly object that ANY development or planning work be carried out until the nature and extent of sub-surface watercourses is well understood. Mitigation of an error committed is useless once the damage has been done. Large sums in compensation may be required which may not ever be paid because the contractor may have vanished under financial pressure from such reparations. We draw to the attention of the reviewer that a substantial watercourse in living memory ran down Strawberry Hill, to re-emerge in the vicinity of the Well of Sunday's King. Disturbances to the watercourses may result in damage to the Southern retaining wall, to flooding in houses to the South of the development, and to a critical section of Sunday's Well Road becoming impassable due to flood damage. Experience elsewhere in Cork has shown that remedial work may proceed at a very slow pace due to legal difficulties and liabilities. A thorough geological examination is essential before even any planning of where houses will be built is done. In this sense, the whole proposal is premature and should be turned down.*

42

Prior to the development commencing the applicants shall submit to and agree in writing with the Planning Authority full details of a legally incorporated management company which shall be responsible for the future maintenance and upkeep of all services within the development site including drains, sewers, watermains, public lighting, paths, open spaces, and refuse storage areas.

*Such a company should be identified before the proposal is accepted and terms and conditions of the work by the company agreed. There is a danger that no such company will be forthcoming or would find it economically viable to do such work.*

43

Before the development is commenced, the developer shall lodge with the Planning Authority a bond or such other security as may be accepted by the Planning Authority, in a sum to be determined by Cork City Council to secure the provision and satisfactory completion and maintenance of sewers, drains, watermains, roads, footpath, communal waste storage, public lighting required in connection with the proposed development. The bond or security shall provide for the adjustment on a monthly basis, in accordance with the Consumer Price Index of the Central Statistics Office, of the amount of bond as approved by the City Council.

*A pessimum (maximum liability) sum must be computed and stated.*

44

Prior to the commencement of the proposed development, the Developer shall pay or enter into an agreement with the Planning Authority to pay a contribution to Cork City Council in respect of the following classes of public infrastructure and facilities benefiting development in the City of Cork and that is provided or that is intended to be provided by or on behalf of Cork City Council, in accordance with the General Development Contributions Scheme ("the GDCS scheme"):

- Class 1 - Roads, Transportation Infrastructure and Facilities
- Class 2 - Water and Drainage infrastructure and Facilities excluding Water and Wastewater
- Class 3 - Parks, Recreation, Amenity and Community Facilities

The present value of the contribution as determined under the GDCS made by Cork City Council on the 13th November, 2017 is €1,122,449.15, which sum is subject to indexation in accordance with the Consumer Price Index prevailing at the date of payment and subject further to such exemptions or reductions as apply to the proposed development having regard to the provisions of Table 5 of the GDC Scheme.

(To comply with the General Development Contribution Scheme 2017 - 2021, which was adopted by Cork City Council on 13th November, 2017, and in the interests of the proper planning and sustainable development of the area.)

#### **Response to RFI item 2.**

The design of the new tabletop will reduce some residents parking facilities on Convent Avenue and will slow traffic in both directions on Convent Avenue. The widening of the iconic entrance gateway not requested in RFI document and not recommended by JCA Architects employed by Moneda and yet is going to be done by Moneda.

The emphasis on junction design is misleading as the real problem is the narrow width of every road adjoining the proposed site.

#### **Response to RFI item 3.**

Blocks B1- B5 in RFI document are deemed to be “problematic in terms of impact on the amenity of neighboring houses and by virtue of their size and bulk in terms of the existing architectural character of areas immediately adjacent on Buxton (sic) Hill and the north side of Sunday’s Well Road.”

This matter is not addressed by Moneda. Monolithic Blocks are retained and these seriously overlook properties in these areas and in no way echo the architectural character of existing housing stock locally. All properties are pitched roofs and are predominately 2 storey houses along these specific perimeters.

“The architectural language and proportions of B2 and B5 are based on the established residential pattern of Sunday’s Well” is claimed by Moneda. It is difficult to see how the “language” and “proportion” of block-shaped, flat-roofed structures is based on the existing multi-surfaced, visually independent, pitched-roof structures of houses in the area. This claim needs further elaboration.

B1 completely omitted for consideration by Moneda in spite of B1-B5 being requested in RFI document.

Blocks B2 and B5 are still 3 story flat roofed monolithic blocks very close to the perimeter wall and properties along this perimeter and this aspect not addressed and ignored by Moneda.

#### **Response to RFI item 4.**

The RFI document asked Moneda to reconsider the self-colour render finish to the elevations of Blocks B1-B5.

Moneda persists in retaining this finish for Blocks B1-B5.

#### **Response to RFI Item 5.**

The RFI document asked Moneda to consider green sedum roofs to be provided for Blocks A1-A5.

Moneda replied by stating green roofs of unstated nature would be in place. RFI specifically asked for sedum covered roofs and this was completely ignored in Moneda’s response.

#### **Response to RFI Item 6.**

Moneda complied.

#### **Response to RFI Item 7.**

The RFI document requested Moneda to submit winter views with seasonal tree cover omitted.

In spite of deadline date being December 12<sup>th</sup> 2017 Moneda completely ignored this request. The request could easily have been complied with given the time of year.

7 photographs were taken on 02/11/2016 and 11 were taken on 06/09/2017. These are not winter views as requested in RFI document and it should be noted that the trees in these photographs are deciduous. This would indicate that the claim of tree coverage being in place is not correct. Some of the foliage cover being claimed/used in photographs is actually from trees in other properties outside the GSC site and whose continued presence cannot be guaranteed and should not be used as a feature of the site. Moneda are thus conceding that these Blocks because of their size, colour and flat roof monolithic design will have a high and negative visibility from near and far for many winter months but also for the remaining months.

#### **Response to RFI Item 8.**

Before any work takes place we are calling for a full and comprehensive geophysical survey be commissioned by Moneda. In Table 12.3 EIAR [8] it is admitted that large areas of the site were not tested and on page 222 EIAR it is stated that "the south eastern area together with the interior area of the central space within the complex may potentially contain archeological remains that will be impacted by the proposed development".

In areas 1, 2, 3, and 4 only 16.5% of that area was excavated and "area 5 not excavated because no development is proposed to take place within it"

The call by Cork City Council ( CCC ) planners to undertake "research on the records of residents, numbers of recorded deaths and recorded burials etc " in point 1 of RFI item 8 has been completely ignored by Moneda and no response made to that request.

#### **Response to RFI Items 9 and 10.**

Moneda complied with these requests.