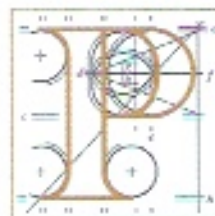


Our Ref: ABP-303437-19

PA Reg Ref:

Your Ref:



An
Bord
Pleanála

Magazine Road & Surrounding Areas Residents Assoc.
C/O Aidan Cahill, Secretary
Linden
Coolgarten Park
Magazine Road
Co. Cork

Date: - 1 MAY 2019

Re: 419 no. student bedspaces, road improvements and all associated site works.
O'Riordan's Joinery, Bandon Road and portion of the Church of the Immaculate Conception, Lough
Road, Cork.

Dear Sir

An Bord Pleanála has made a decision in respect of the application for Strategic Housing
Development for the above mentioned proposed development. A copy of the Board Order is enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the
Board will make available for inspection and purchase at its offices the documents relating to the
decision within 3 working days following its decision. In addition, the Board will also make available the
Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This
information is normally made available on the list of decided cases on the website on the Wednesday
following the week in which the decision is made.

Overleaf contains information in relation to challenges to the validity of a decision of An Bord Pleanála
under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An
Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Cora Cunningham
Executive Officer
Direct Line: 01-8737246

Encls. SHA32

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maolbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended.

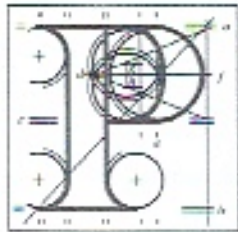
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website, www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



Planning and Development Acts 2000 to 2018

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of January 2019 by Lyonshall (Bandon Road) Limited care of HW Planning, 5 Joyce House, Barrack Square, Ballincollig, County Cork.

Proposed Development:

A permission for a strategic housing development at O'Riordan's Joinery, Bandon Road and portion of the Church of the Immaculate Conception, Lough Road, Cork.

The proposed development will consist of the construction of a strategic housing development of 57 number student apartments consisting of 419 number bed spaces and all ancillary site works.

The proposed development will consist of the demolition of an existing industrial building and derelict garage adjacent to Loughview Terrace and the construction of four number apartment blocks varying in height from four to five storeys and comprising:

- 42 number eight-bedroom apartments,
- three number seven-bedroom apartments,
- eight number six-bedroom apartments,
- two number five-bedroom apartments,



- two number double studio apartments and
- a shared amenity / building management area.

The proposed development will include for road improvements near the entrance of the proposed development including an upgraded junction between Magazine Road and Bandon Road, traffic calming measures, enhanced pedestrian public realm and dedicated bus set down areas.

The development will also include the re-location of a mobile telecommunications mast from the roof of the existing industrial building, to the roof of Block 2 of the proposed development.

Ancillary site works to include provision of a substation/ switch room / boiler room, bin store and a pump room / gas cylinder store, associated landscaping and internal shared surface courtyards with car and bicycle parking. Access to the site will be via existing entrance from Bandon Road.

The proposed development represents a new and amended scheme to that previously permitted by T.P 17/37374 and An Bord Pleanála reference 300697-18.

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the location of the site in close proximity to University College Cork and the availability of transport links to Cork City Centre and other third level institutes;
- (b) the bulk of the site being brownfield in nature;
- (c) the National Planning Framework issued by the Department of Housing Planning and Local Government in February 2018,
- (d) the National Student Accommodation Strategy issued by the Department of Education and Skills in May 2017;
- (e) the policies and objectives of the Cork City Development Plan 2015-2021 including Variation Number 5 to that plan;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) the pattern of existing development in the area;
- (i) the submissions and observations received and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the urban landscape of the area and respect its existing character, would not seriously injure the residential amenities of properties in the vicinity, would not be injurious in terms of biodiversity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Statement submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, on an existing industrial site in a suburban area served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.