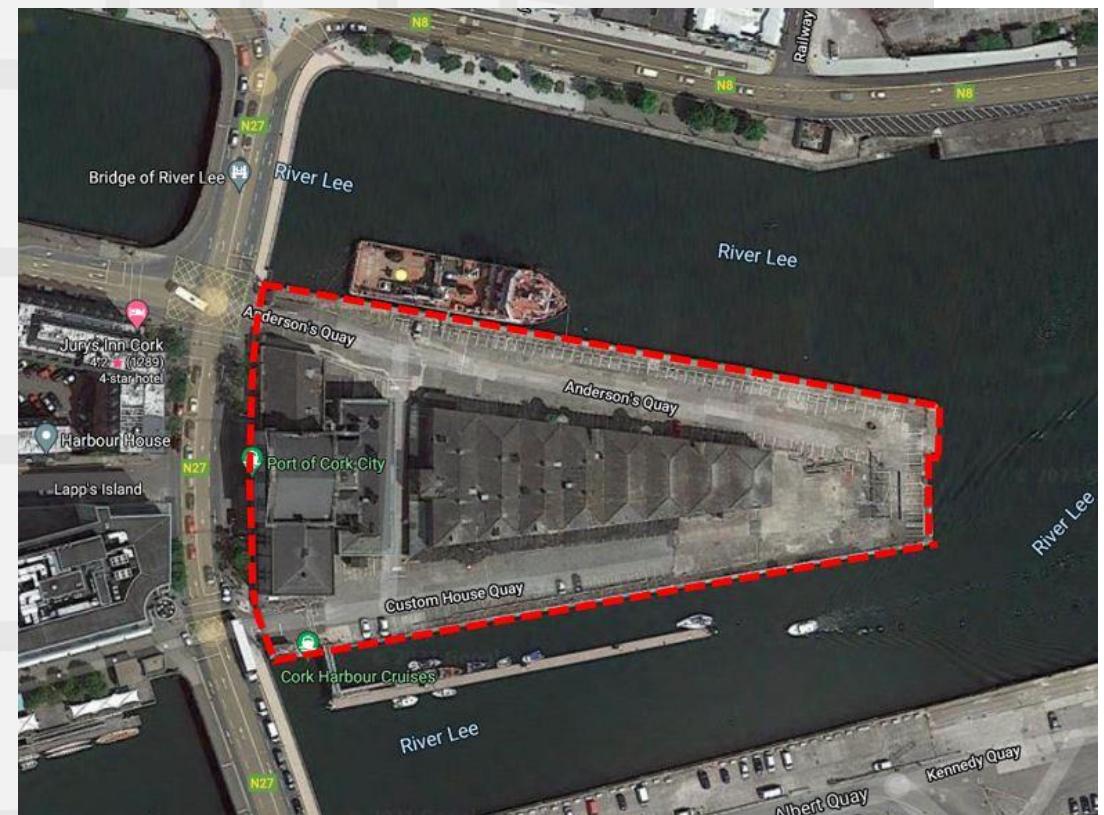


Submission on Cork City Draft Development Plan 2022-2028

Custom House Quay, Cork City

on behalf of Tower Development Properties Ltd

October 2021



McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

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1. Introduction & Summary

McCutcheon Halley has prepared this submission to the Cork City Draft Development Plan Review 2022-2028 on behalf of Tower Development Properties Ltd, who are the owners of land at North Custom House Quay and South Custom House Quay, Custom House Street, Cork City.

Our client welcomes the publication of the Draft Cork City Development Plan 2022-2028 and the opportunity to participate in the plan making process, which will inform the future development of Cork City. Our client also welcomes the draft policy provisions in respect of height and tall buildings and supports the removal of height limits for tall buildings, in line with the Urban Development and Building Height Guidelines for Planning Authorities, December 2018.

The purpose of this submission is to request that:

- **Draft Zoning Policy ZO 19 Quayside Amenity is removed from the site.**
- **In terms of the proposed new bridge connecting Kent Station to the south docklands, it is put forward that a more suitable route is selected to promote public transport by promoting the use of the former railway line.**
- **The proposed pedestrian bridge connectivity between the north and south Docks and Tivoli Docks are designed to facilitate continued port activities and protect the maritime role of Cork City (i.e. swing bridge, not fixed bridge).**
- **Amend typographical error on page 533 of Volume 1 of the draft plan in respect of zoning objective ZO 6 so it reads as "ZO 6 City Centre" and not 'Sustainable Residential Neighbourhoods'.**

As part of the draft plan, there is a policy provision for quayside amenity along the northern quay and eastern end of the Custom House site to protect and preserve quayside, natural heritage and river amenities, with supporting text stating that this zone is limited to public realm improvements, quayside amenity, landscaping, walkways and cycleways. This zoning is a legacy of the extant Cork City Development Plan 2015 and is considered to be futile, having regard to the comprehensive live permission in place for the site which gives different functions to different spaces, in particular to the northern quay.

The draft plan allows for three new bridges to be provided which will connect the north and south docks and Tivoli Docks and provide multi-modal connectivity including walking, cycling, general traffic and public transport. Our client recognises the merits to enhancing connectivity and promoting sustainable development, however, requests that the Council protect the maritime nature of the city and existing port and boating activities and therefore ensures that the bridges are designed to lift up to facilitate these activities.

The northern quay of our client's site as well as Horgan's Quay and Penrose Quay have always been used for docking large vessels and it is therefore imperative that these quays and the river remain fully accessible for this use. It is considered that the public transport route for the future tram should follow the former

railway line in Cork City. This will make use of an existing connection route and protect the maritime character of Cork City.

The structure of this report is as follows:

- Section 1 Introduction & Summary
- Section 2 Site Context & Planning History;
- Section 3 Planning Policy Context
- Section 4 Rationale for Submission Request
- Section 5 Conclusion

2. Site Context & Planning History

The application site is located at the eastern end of the city centre island and is bounded by the North and South Channels of the River Lee, which join at the eastern end of the site. The Georgian dockland site comprises of the Customs House, the Revenue Building and the Bonded Warehouse. The site is strategically located in close proximity to the bus and railway stations and its location at the confluence of the River Lee announces its arrival in the city.

There is a floating pontoon and berthing facility attached to the south quay and limestone steps to the river at the eastern quay. There are a number of mooring posts along the north quay which are currently used for berthing visiting ships including naval vessels and cruise liners. The northern quay in particular plays an important role in promoting the continued maritime history of the city and supporting tourism for Cork City.

Planning permission was granted (19/38589) on 13th October 2020 for the site for redevelopment of the Custom House site at North Custom House Quay and South Custom House Quay, Custom House Street, Cork City to provide a 241-bedroom hotel, 25 no. hotel serviced suites, and a range of commercial uses including non-comparison retail, office, food and beverage, distillery, tourism and leisure. This was subsequently appealed to An Bord Pleanála (ABP-308596-20) and permission was granted on 23rd March 2021.

3. Planning Policy Context

3.1.1 Cork City Development Plan 2015 (CCDP 2015)

The application site is located within the 'City Centre Commercial Core Area' on 'Map 1 - City Centre and Docklands Zoning Objectives, with the northern, southern and eastern quays zoned for 'Quayside Amenity Area'. The southern boundary of the site provides for a strategic pedestrian link and waterfront amenity area.

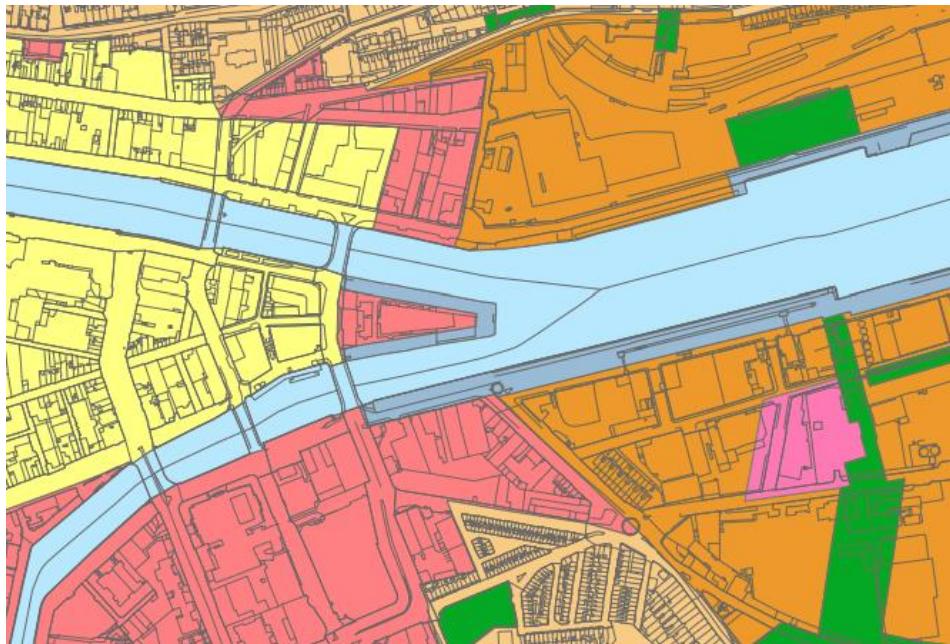


Figure 3.1 Zoning Map (Source: CCDP 2015)

Objective ZO 2 of the CCDP 2015 states that the definition of the 'City Centre Commercial Core Area (CCRA)' is:

"To support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)".

Supporting Paragraph 15.7 notes that *"the Commercial Core Area reflects the commercial and employment zone of the City Centre extending from the City Centre Retail Area. All uses are permitted throughout the CCA, except comparison retail uses, which are restricted to the City Centre Retail Area. Retail uses serving local needs only are open for consideration in this zone."*

The waterfront amenity route on the northside of the south River Lee channel is identified as a public realm improvement project under Objective 13.15.

Objective 13.14 on 'Waterfront Amenity Areas' sets out that it is an objective:

"To create Waterfront Amenity Areas to provide accessible public space along the river for pedestrians and cyclists. There is a general presumption against development encroaching within 10 metres of the existing quayside apart from:

- *Small-scale development within the space, which relates to the use of the river or quayside space and can ensure an adequate amenity space to facilitate passive recreation, walking and cycling; or*
- *In confined sites provision of a reduced setback supplemented by a boardwalk may be an acceptable alternative".*

It is an objective of ZO 17 Quayside Amenity Area to:

"To protect and preserve quayside, natural heritage and river amenities through the provision of a public quayside area including walkway".

3.1.2 Draft Cork City Development Plan 2022-2028 (Draft CCDP 2022)

Under the draft Development Plan, the site is zoned 'ZO 6 City Centre' with the northern, southern and eastern boundaries zoned for 'ZO 19 Quayside Amenity'. The southern boundary of the site provides for a walkways and cycleways link.



Figure 3.2: Draft Zoning Map (Source: Draft CCDP 2022, Volume 2)

It is an objective of ZO 6 City Centre *"to consolidate and facilitate the development of the central area and to promote its role as a dynamic mixed used centre for community, economic, civic, cultural and residential growth".*

Supporting text at Paragraph ZO 6.2 states that the primary purpose of this zone is to promote the continued economic, civic, cultural and residential growth of the City Centre, and to create a thriving urban community. Uses that complement the primacy and vibrancy of the City Centre are permitted in this zone, while comparison retail uses will be permitted within the primary retail area. Primary uses in this zone include but are not limited to retail, residential uses, community uses, offices, hotels, cultural and leisure facilities, education and healthcare institutions and facilities, and uses that contribute to the vibrancy and diversity of the City Centre.

ZO 19 Quayside Amenity states that it is an objective *"to protect and preserve quayside, natural heritage and river amenities".*

Supporting text in Paragraph ZO 19.1 states that this zoning objective applies to the quayside area in the City Centre and City Docks, north and south. Development in this zone is limited to public realm improvements, quayside

amenity, landscaping, walkways and cycleways. Elements of public art will be actively encouraged along these walkways, with information and wayfinding signage permissible subject to local considerations. Water based activities will be encouraged.

The draft Development notes that three bridges are proposed to connect the north and south docks and the Tivoli docks. The indicative location of these bridges is illustrated at Figure 4.1 of this report and discussed in greater detail at Section 4.2.

4. Rationale for Submission Request

This section of the submission discusses and provides a rationale for each of the submission points stated in Section 1.

- **Draft Zoning Policy ZO 19 Quayside Amenity is removed from the northern quay on the site.**
- **In terms of the proposed new bridge connecting Kent Station to the south docklands, it is put forward that a more suitable route is selected to promote public transport by promoting the use of the former railway line.**
- **The proposed pedestrian bridge connectivity between the north and south Docks and Tivoli Docks are designed to facilitate continued port activities and protect the maritime role of Cork City (i.e. swing bridge, not fixed bridge).**
- **Amend typographical error on page 533 of Volume 1 of the draft plan in respect of zoning objective ZO 6 so it reads as "ZO 6 City Centre" and not 'Sustainable Residential Neighbourhoods'.**

4.1 Removal of ZO 19 Quayside Amenity from Northern Quay

As noted at Section 2 of this report, there is now a comprehensive permission (19/38589 / ABP-308596-20) in place for the whole of the Custom House site which permits different functions for different spaces, including a hotel and a range of commercial uses including non-comparison retail, office, food and beverage, distillery, tourism and leisure. This permission provides for a maritime themed museum / visitor centre and an active public realm space along the southern and eastern sides, which is fully accessible to the public. The northern quay is also fully accessible to the public and provides for a mix of functional spaces that co-exist with the southern and eastern quay, with the primary function being to service the permitted development (i.e. access and parking) and to support the continued use of the dock for berthing visiting ships. The functional use of the northern quay is important in providing a character that reflects the original, existing and recently permitted uses of the site.

It was also conditioned by the Board that details be agreed with the Council in respect of the operation of the pontoon on the South Quay. The Inspector's Report acknowledged that the Applicant intends to continue the use of the pontoon and berthing facility along the south quay and the condition therefore emphasises support for this use to be preserved.

The Quayside Amenity zoning forms part of the extant Development Plan and the draft plan proposes to retain it. As part of the recent permission for the site, a detailed assessment was undertaken and the application was supported by detailed architectural, conservation, urban design and landscaping/public realm assessments. Notwithstanding the existing ZO 17 Quayside Amenity zoning for the north, south and eastern quays on the subject site, it was considered by the Planning Authority that the main area of amenity on the site would be the south quay and therefore the extant Quayside Amenity objective proved to not be the most important objective for the northern quay.

As part of the compliance stage of the application, the treatment of the public realm will be addressed and agreed with the Council, including for the northern quay. The continued zoning of the northern quay for amenity area and its primary objective will serve no functional purpose as the recent detailed assessment has determined that the northern quay is more suitable in supporting the servicing of the development including the hotel and maritime themed visitor centre as well as protecting the existing moors.

Having regard to the broad policies and issues that were addressed as part of the recent permission, and that the southern quay was considered the most suitable amenity area, this demonstrates that a prescriptive approach doesn't always serve the best interests of a site and the wider city context. It is therefore requested that this zoning be removed from the northern quay of the Custom House site.

The draft quayside amenity zoning is not considered to be reflective of the detailed assessment carried out as part of the recent permission. There are other more general policies within the development plan, which would serve to protect the site in terms of visual amenity.

4.2 Bridge Connectivity

The Draft Development Plan notes that three new bridges are proposed that will provide multi-modal connectivity between the city docks and Tivoli docks and wider connectivity to Metropolitan Cork. The indicative locations of the three bridges are illustrated in the draft mapping and at figure 4.1 below. The three bridges are as follows:

- A new bridge to connect Kent Station to the South Docks for walking, cycling and public transport (Bridge nearest the Custom House site);
- Eastern Gateway Bridge: Multi-modal bridge catering for bus, cycle, pedestrian and general traffic movements; and
- Water Street Bridge: Pedestrian and cycle only.

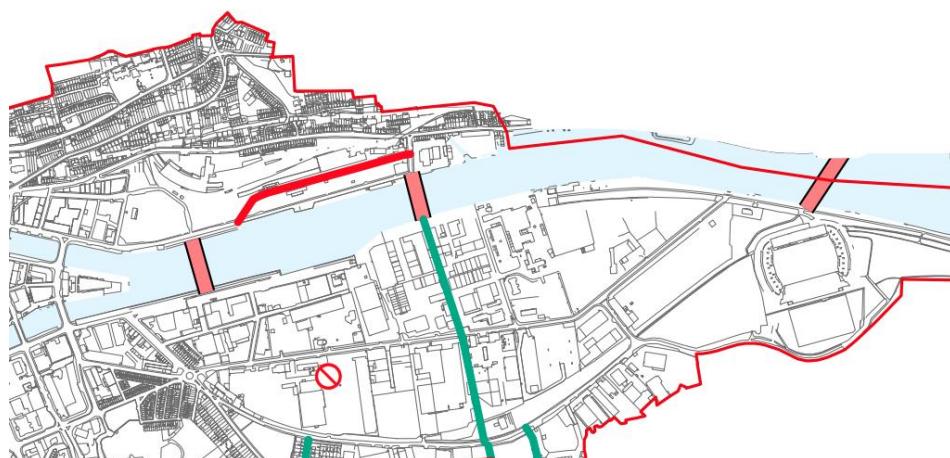


Figure 4.1: Indicative Location of Bridges 6 (Source: Draft CCDP 2022, Volume 2)

Our client does not oppose the provision of the Eastern Gateway Bridge and the Water Street Bridges which will connect the north and south docks and Tivoli docks and appreciates the many benefits they will bring in terms of promoting sustainable and alternative modes of transport including walking and cycling.

However, it is imperative that these bridges are designed to ensure they will be able to lift up to accommodate ships and other vessels traveling up and down river to the established and currently operative berthing facilities and quays at Custom House Quay, Horgan's Quay and Penrose Quay. The forthcoming development plan therefore needs to place a focus on protecting the port activities, which form part of the character and history of Cork City. This is considered a reasonable approach to providing a balance in protecting port activities and enhancing connectivity and promoting accessibility for the north and south of the River Lee.

In terms of the new bridge proposed to connect Kent Station to the South Docks and the intention to provide a route for the future light rail tram, it is considered that a fixed bridge at this location would only serve to sterilise Custom House Quay as well as the wider quays and associated port activities. As already noted, there are a number of mooring posts along the north quay which are currently used for berthing visiting ships including naval vessels and cruise liners. A fixed bridge to the east of the Custom House site would prevent vessels travelling upriver and would cease all port activities, which form part of the overall history and operative development of Cork City's evolution.

Furthermore, it would interfere with tourism. As noted on the Port of Cork website, the port of Cork can handle cruise liners in Cork City centre at the North Custom House Quay. The website also notes that Port of Cork is the only port in Ireland with a dedicated cruise berth in Cobh and notes that cruise liners can also be handled in Ringaskiddy Deepwater Quay. It further states that the deep water of the Port of Cork is the natural entry point to many of Ireland's principal visitor attractions and arriving by cruise liner is a truly sublime experience.

The Port of Cork is a huge advantage for Cork City in terms of attracting visitors in particular to the city centre and allowing smaller cruise liners to travel into the heart of the city to explore its heritage and culture which encourage spending and support the local economy.

The provision of a fixed bridge between Kent Station and the South Docks would undermine tourism for the City and would also sterilise the city quays. Cruise liner, ferries, naval vessels and other types of shipping services would not be able to access the heart of Cork City or the currently operative and historic port quays. It would also seek to sterilise the pontoon and berthing facility on the south quay of the Custom House. Although the southern quay is used to facilitate more recreational leisure, there is a very strong risk that smaller boats and visiting yachts will not be able to access the pontoon. As noted earlier, the future use of the pontoon is supported as part of the most recent permission for the Custom House site. A bridge to the east of the Custom House site would serve to prevent the pontoon from successfully operating.

It is imperative that the forthcoming development plan recognises the maritime activities and history of Cork City and ensures policy provision is made to protect the city's current port activities. One option to achieve this is for the proposed light rail tram to follow the alignment of the former Blackrock/Passage/Crosshaven rail line which used to run along Clontarf Street and Brian Boru Street Bridges and near the Coliseum Building and on to the railway station. This would make use of existing infrastructure and pay homage to the former railway line while also serving to protect and retain the port

activities at the city centre quays. There is also a substantial amount of office development concentrated around Clontarf Street and the alignment of the tram network along this route would seek to cater for passenger demand to the south of the River Lee.

Our client supports the re-use of existing rail infrastructure to promote use of public transport facilities and enhance connectivity and requests that the draft development plan gives consideration to this route. However, if this is not feasible, it is submitted that any potential future bridge(s) connecting the north and south docks are designed to lift up in order to facilitate existing shipping movements and associated port activities at the Cork City quays.

4.3 Suitability of Tall Buildings

Volume 1 of the draft development plan makes reference to supporting document '*Cork City Urban Density, Building Height and Tall Building Study 2021*' and makes a number of statements which rely on or are clarified further in this study. The draft plan states that this study has been prepared as an input into the planning strategy for Cork City.

Paragraph 10.75 states that the city docks has been identified in the Cork City Urban Density, Building Height and Tall Building Study as an appropriate location for tall buildings because it is suited to higher urban density and building height, and has limited sensitivity to height at a strategic level.

Figure 4.2 is an extract from the Tall Buildings Study and illustrates the areas considered most appropriate in Cork for new tall buildings. The deep yellow zone indicates areas within this wider zone where more focussed clusters or districts of tall buildings would be considered more favourably and the outer pale yellow zone defines the general area considered appropriate for tall buildings to be open for consideration in principle and broadly covers the North and South Docks areas of the City and central areas. The Study states that the Custom House Quay is situated within the City Docks tall buildings zone. It also acknowledges the recent permission granted for the site for a very tall building and recognises that the area within the vicinity of and including the Custom House Quay form part of an area with a proposed cluster of tall buildings in the city. Furthermore, it recognises the connectivity of the city docks area in terms of good public transport and is in keeping with the Urban Development and Building Heights Guidelines for Planning Authorities, December 2018.

Our client welcomes the draft policy provisions in respect of the suitability of Custom House Quay and the wider city docks area for tall buildings and also supports the removal of height limits for tall buildings, in line with the Urban Development and Building Height Guidelines for Planning Authorities, December 2018. This will ensure more compact growth is achieved for Cork City.

Furthermore, our client welcomes the acknowledgement of the recent permission for the Custom House site in the study along with other recent tall building proposals and the recognition that these high-density and mixed-use proposals have established the basis for a coherent district of tall buildings.

The tall buildings study does make reference to a key link between the north and south docks near Kent Station and which could potentially be a key link to accommodate a proposed light rail tram, as illustrated by the arrows at Figure 4.2.

As already noted at Section 4.2 of this submission, a fixed bridge at this location would sterilise Custom House Quay as well as the wider quays and associated port activities. Please refer to Section 4.2 for further details.



Figure 4.2: Draft City Docks Zones Appropriate for Tall Buildings (Source: Tall Buildings Study and Draft CCDP 2022, Volume 1)

4.4 Proposed Amendment to Draft Development Plan

There is a typographical error on page 533 of Volume 1 of the draft plan in respect of zoning objective ZO 6. The title of ZO 6, as currently written implies that it relates to 'Sustainable Residential Neighbourhoods'. 'Sustainable Residential Neighbourhoods' is covered under zoning policy ZO 1.

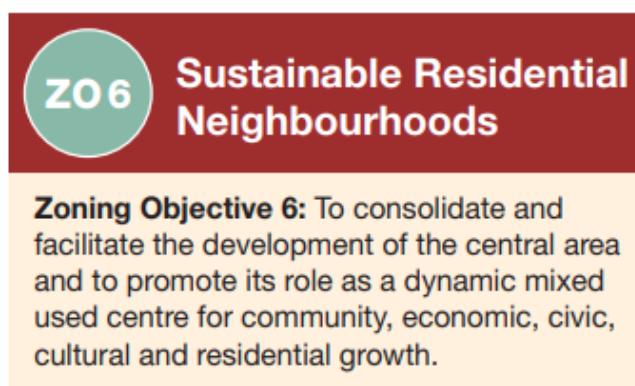


Figure 4.3: Draft Zoning Objective 6 (Source: Draft CCDP 2022, Volume 1)

It is therefore requested that the title for ZO 6 on page 533 of Volume 1 of the draft plan is amended, as follows, to reflect the correct zoning and avoid any potential confusion:

"ZO 6 City Centre"

5. Conclusion

This submission is made on behalf of Tower Development Properties Ltd and relates to land at North Custom House Quay and South Custom House Quay, Custom House Street, Cork City.

It is imperative that the forthcoming development plan recognises the functional spaces that have been permitted by the recent permission for the site and that the primary function of the northern quay to support and service the development and facilitate continued berthing facilities are protected.

Furthermore, a focus should be placed on protecting the maritime nature of Cork City and its existing port activities and avoiding fixed bridges which do not protect the maritime history of Cork, interfere with shipping and port activities, and have the potential to disrupt tourism opportunities for the city.

The main points of this submission are therefore as follows:

- **Draft Zoning Policy ZO 19 Quayside Amenity is removed from the site.**
- **In terms of the proposed new bridge connecting Kent Station to the south docklands, it is put forward that a more suitable route is selected to promote public transport by promoting the use of the former railway line.**
- **The proposed pedestrian bridge connectivity between the north and south Docks and Tivoli Docks are designed to facilitate continued port activities and protect the maritime role of Cork City (i.e. swing bridge, not fixed bridge).**
- **Amend typographical error on page 533 of Volume 1 of the draft plan in respect of zoning objective ZO 6 so it reads as "ZO 6 City Centre" and not 'Sustainable Residential Neighbourhoods'.**

On behalf of our client, we would be grateful if this submission could be given careful consideration during the preparation of the Cork City Draft Development Plan 2022-2028.

Please do not hesitate to contact us if you have any queries.