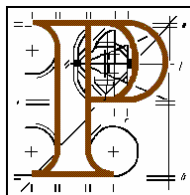


An Bord Pleanála



Inspector's Report

DEVELOPMENT: Construction of medical centre, special needs clinic and educational facility.

Location Garranedarragh, Bishopstown, Co Cork.

PLANNING APPLICATION

Planning Authority: Cork County Council

Planning Authority Reg. No: 10/8417

Applicants: Kathleen O Mahony

Application Type: Permission

Planning Authority Decision: Permission with conditions.

APPEAL

Appellants:
1. Seamus O Leary.
2. Kathleen O Mahony.

Type of Appeals:
1. Third Party v Grant
2 First Party v Conditions 4 and 5

Observers: None

DATE OF SITE INSPECTION: 29th September 2011.

INSPECTOR: Bríd Maxwell.

1.0 SITE LOCATION AND DESCRIPTION.

- 1.1 The appeal site which has a stated area of 6.6 hectares is located circa 500m to the south of the South Ring Road N25 and 150m east of the Bandon Road N71 within the southern environs of Cork City. The site is outside the built up area of the city. The extremities of Bishopstown and Doughcloyne form the southern city edges to the north and east of the site. Bishopscourt Shopping Centre is located to the north whilst there are a number of commercial and residential properties to the east. The Eagle Valley and Garranedarragh residential estates lie to the north east of the site separated in part by agricultural lands subject to recent permission for housing development 256 residential units which proposes access from the permitted roundabout on the N71. (09/6385 PL04.236385.) The site of the Old Cork Railway line forms part of the western boundary of the main body of the Appeal Site. There is a large cemetery Chetwynd Cemetery to the south east of the site which takes its access from local road running to the east of the N71.
- 1.2 The appeal site is irregular in shape comprising a narrow L shaped strip forming road frontage and linking to the main body of the appeal site which is set back circa 130m from the roadside boundary. Levels on the main body of the appeal site vary from 52m to 62m at the western boundary rising to 67 to 79m along the eastern boundary, whilst levels inside the site's roadfrontage are 31.m. The site is agricultural grazing land with substantial mature landscaping along the field boundaries.

2.0 PROPOSED DEVELOPMENT

- 2.1 The proposed development as initially submitted comprised the construction of a medical facility, a special needs clinic and an educational facility as follows:
- (a) One three storey medical facility, total 9,285.85m²;
 - (b) One two storey special needs clinical facility, total 3,234.36m² and
 - (c) One single storey special needs educational facility, total 1,981.90m².
- 2.2 In response to the Council's request for additional information the proposal was substantially revised with the omission of the three storey medical facility and relocation of the clinical and educational facility on the site approximately to the area originally proposed for the hospital. The facilities are intended to be operated by Enable Ireland to whom the land is being donated by the applicant /landowner. The Special needs building is a three storey structure which incorporates a number of elements including early learning suite with multi sensory and assessment rooms, pool area, administration and staff areas, treatment suite, other ancillary areas, external parking and set down areas.
- 2.3 The educational building is single storey and is located to the east of the clinical building and comprises 10 no classrooms with associated withdrawal rooms and toilets, principal, reception, parent's and multi discipline rooms,

stores, staff areas, dining room, nurse unit and library /teacher's resource room.

- 2.4 Buildings are contemporary in design with mixed finishes including render, timber cladding and powder coated curtain walling and membrane roofing with aluminium flashings.
- 2.5 Vehicular access to the site is from the west of the site along a roadway leading from the permitted roundabout on the Bandon road (N71). Part of the road runs parallel with the Bandon road and submitted drawings envisage that this could continue southwards to provide future access to Chetwynd Cemetery. The initial layout also provides for future access for "potential County Council Park and Ride Facility" adjacent to the appeal site.
- 2.6 As regards servicing it is proposed to discharge to a new pumping station at the southwest corner of the site from where it would be pumped to a proposed gravity sewer system, in Castlelands Development PL04.236385 09/6395. The Castlelands Development permission includes proposals for upgrading woodhaven pumping station to cater for the additional foul water loading. In the response to the request for additional information letters of consent from adjacent landowner / developer were submitted to outline wayleaves. A contingency proposal in the event of the housing development not proceeding was also outlined involving the pumping of the effluent from the proposed pumping station across the undeveloped adjoining site to a new manhole to be constructed south of the N25 (Ring Road). From here effluent will discharge via gravity sewer across the N25 Ring Road to the Woodhaven pumping station.

3.0 PLANNING HISTORY

PL04.225202 (PA.Ref 06/13071) Application to construct a four storey private hospital provision for 462 car parking spaces and associated site works. Refused for four reasons related to location within A1 Green Belt lands, visual obtrusiveness, unsustainable location for development of this scale. The Board was not satisfied that adequate provision for water supply and sewerage facilities, and was not satisfied that the proposals for the upgrading of the road network in the area were sufficiently advanced to give the necessary assurance that the proposed development would not lead to traffic congestion on the strategic road network in the area.

S05/0401 Outline permission granted for hospital (100,000 m²) and Enable Ireland Facility (126,000m²) and Park and Ride facility. One of the conditions restricted the development to one hospital only (two had been proposed). Conditions required retention of embankment cutting and associated slopes, and that the design of the buildings minimise visual impact. Other conditions include prohibition of development prior to final grant of permission for proposed roundabout junction with N71 and satisfactory completion of necessary statutory procedures relating to that junction. Condition 9 required that any application for permission consequent should include the park and ride element, provide for satisfactory phasing and full details on who will

provide and operate the park and ride facility and complementary bus services and financing of same. Condition 15 required construction of the Park and Ride facility including control building as part of the development. Condition 16 required the developer to fund the design and construction of the new roundabout on the N71.

S06/9385 Application for permission for 6 storey hospital refused by the planning authority. Five reasons for refusal referred to A1 zoning, scale and height of the proposed development would not maintain the specific function and character of the greenbelt. Material contravention of conditions 2,9,14 and 15 of the outline permission 05/401 with respect to fully retain the embankment, to include details of park and ride and encroach on land designated for that purpose. Injury to visual amenity and would form excessively prominent and obtrusive feature on exposed and elevated position site, overdevelopment of the lands having regard to their zoning, prominence and history and inadequate parking.

03/5197 Outline permission by Pearse Contracting for Enable Ireland Centre 75 bed nursing home and 100 bed hospital refused.

Adjacent Sites.

PL04.236385 (PA Ref 09/6395) Permission for demolition of existing house, construction of 256 residential units, realignment of roadway, crèche, car parking and all associated works. Granted by the Board following third party appeal subject to conditions. The development takes its access from the proposed N71 roundabout. Condition 4 requires that the N71 Chetwynd Viaduct Dual Carriageway Scheme Phase 1 be completed prior to occupation of the dwellings. Condition 5. The cost of designing supervising and building the Garranedarragh Roundabout and associated road elements on the N71 Chetwynd Viaduct Dual Carriageway Scheme Phase 1 shall be paid by the developer. Condition 7 required upgrading of woodhaven pumping station and foul sewer rising main upgrade prior to commencement of development. Condition 8 Upgrade to be carried out by the developer.

PL04.212858 Permission for construction of new roundabout on N71 Refused by Board following third party appeal against decision of the Planning authority to grant permission to a private developer (05/2719). Reasons for refusal were based on traffic hazard, disorderly development due to proximity to Bandon road Roundabout, material contravention of the development plan to to the Greenbelt (A1) zoning and the nature scale and visual impact of the development and likely impact on the Glasheen River in terms of injury to natural habitats for aquatic and other wildlife.

Part 8 Proposal. Council adopted part 8 proposal to construct a new roundabout on the N71 similar to that refused by the board under PL212858.

S05/3477 Permission granted for the construction of an access roadway on land to the north to serve zoned residential lands.

4.0 PLANNING POLICY

4.1 Development Plan

4.1.1 The operative Development Plan is the Cork County Development Plan 2009-2015 and the Carrigaline Electoral Area Local Area Plan 2011.

4.1.2 The Site is within the Metropolitan Cork Greenbelt. RCI 8-2 Sets out the Purpose of Greenbelt as follows:

“(a) It is an objective to maintain a green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.”

RCI 8-3 Land Uses within the Metropolitan Greenbelt

“It is an objective to preserve the character of the Metropolitan Greenbelt as established in this plan and to reserve generally for use as agriculture, open space or recreation uses those lands that lie within it.”

The site is within A1 Greenbelt objective RCI 8-4 is as follows:

“It is an objective to protect those prominent open hilltops, valley sides and ridges that define the character of Cork and those areas which form strategic largely undeveloped gaps between the main Greenbelt settlements.”

RCI 8-10 Strategic and Exceptional Development

“It is an objective to recognise that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that such development may be accommodated successfully in Greenbelt locations. In such circumstances, the impact on the specific functions and open character of the Greenbelt should be minimised.”

4.1.3 Health facilities are addressed in Chapter 8 Housing and Community Facilities. Policy objective HOU 12-1 is as follows:

Provision of Healthcare Facilities

“(a) It is an objective to support the Health Service Executive (South) and other statutory and voluntary agencies and private healthcare providers in the provision of appropriate healthcare facilities and the development of both the system of hospital care and the provision of community based care facilities, at appropriate locations, subject to proper planning considerations and the principles of sustainable development.

(b) It is an objective to facilitate the Health Service Executive (South) in the provision of healthcare facilities throughout the County, where specific needs have been identified by the HSE. The Council will, in these instances, reserve suitable lands for such uses in the respective Local Area Plans.

(c) It is an objective in particular to encourage the integration of healthcare facilities within new and existing communities and to discourage proposals that would cause unnecessary isolation or other access difficulties, particularly for the disabled, the elderly and children.”

4.1.4 Settlement Policy is set out in Chapter 3 Settlements and includes SET 2-2 in relation to Cork City South Environs.

“It is an objective of this Plan to consolidate the rapid growth of recent years with the provision of services, social infrastructure and recreational facilities in the future, protecting the important Green Belt areas to the south and directing pressure for new growth towards the City’s North Environs where it can assist in rebalancing the city as a whole. In addition, the Carrigaline Electoral Area Local Area Plan will pay particular attention to the future development potential of the Tramore Valley.”

4.2 Carrigaline Electoral Area Local Area Plan 2011.

The site is located within the Cork City South Environs in the Carrigaline Local Area Plan 2011. The Local Area Plan at 2.4.14 page 37 notes the Council’s intention to prepare an *“Integrated Area Plan (IAP) for the redevelopment of low density brownfield sites for high density mixed use development which will include business and residential uses and high levels of residential amenity. Consideration will also be given to transportation and parking management. It is envisaged that the area will become more pedestrian and cyclist friendly with connectivity throughout”*

4.1.3 Relevant extracts from the plans are included as appendices to this report.

5.0 PLANNING AUTHORITY’S DELIBERATIONS AND DECISION.

5.1 Submissions.

- Submission from HSE outlines requirements in terms of layout and facilities.
- Irish Aviation Authority makes no observations on the application.
- An Taisce submission asserts that evaluation is required on suitability with regard to National Spatial Strategy in terms of orderly sequential development, accessibility and measures to reduce car dependence.
- Inland Fisheries Ireland. No objection subject to suitable treatment of effluent and no overloading of existing facilities. No interference with bridging draining or culverting of Glasheen River or any watercourse.
- Michael Bouchier, Briarfield, Ardarostig Bishopstown objects to the proposal referencing previous refusals, access issues. Procedures adopted for for Part 8 proposal are questioned and it is alleged the adoption of the part 8 is null and void. Site location inappropriate given isolation. Conflict with previous permission for collocated hospital on grounds of Cork University Hospital PL28.228620.
- Seamus O Leary, Fearnog. Ardarostig objects citing conflict with development plan, planning history, traffic congestion, unsustainable from transport policy perspective and contrary to national health policy.
- National Roads Authority report observes that the proposal is at variance with official national policy in relation to the control of frontage development on / affecting national roads. Insufficient data submitted to demonstrate that the development will not have a detrimental impact on the capacity safety or operational efficiency of the national road network in the vicinity of the site. Unclear in relation to timing of improvement works on N71.

5.2 Internal reports.

- Fire Officer's report. Due to elevation of the site water pressure may be an issue for the site.
- Executive Engineer' Traffic report. Modal access to the site would be primarily vehicular. Objective of the Council that all new developments would have a more favourable modal split.
- Environment Report further information required in relation to waste management.
- Senior Executive Engineer Transportation notes that a feasibility study completed in May 2007 which considered 4 locations for park and ride facility concluded that site along Carrigrohane Road offered the best economic option and notably the Chetwynd site (adjacent to the appeal site) offered the least advantageous economic option. It should be noted that Cork City Council recently commenced Part 8 procedure on site on the Carrigrohane Road.
- Senior Executive Engineer, National Roads Office, no objection to the development subject to the proviso that there is no development until the N71 Chetwynd Viaduct Dual carriageway Scheme Phase 1 road works are complete. Cost of designing, building and supervising the N71 Chetwynd Viaduct Dual Carriageway Scheme Phase 1 shall be paid for by the applicant / developer.
- Water Services Report. Further information required in relation to watermain and water supply and outline of commitment from relevant adjacent landowners in relation to delivery of foul system. Foul sewer layout to be revised.
- Area Engineer's report notes remoteness of the site from public footpaths or public transport. Suitability of the site for medical facility is questioned. Impact of entrance driveway and embankment on surface water drainage to be assessed.
- Assistant Engineer water services – Further information required.
- Senior Executive Planner's report outlines concern about the extent of cut and fill proposed. A visual impact assessment is required. It is not possible to accommodate a development of this nature on the site which can successfully minimise the specific functions and open character of the green belt. New road to access the buildings will potentially open up additional land to development pressures, further undermining Development Plan Policy for the Greenbelt. Private hospital is not of strategic or exceptional nature. Report concludes that the proposals conflicts with the proper planning and sustainable development of the area and refusal is recommended on grounds of conflict with A1 Green Belt Zoning Objectives, visual obtrusiveness and unsustainable location.
- Senior Planner's report asserts that the proposed development would not only run contrary to the 2009 County Development Plan but to the strategy in CASP aimed at rebalancing the city. Concurs with Senior Executive Planners recommendation to refuse also citing prematurity with regards to foul water / sanitary services.
- Architect's report asserts that the proposal fails on almost every level. Development results in huge scar on the landscape. Potential of old west Cork train formation for amenity use should be considered.

- Declan Daly Divisional Manager, notes that Enable Ireland has been seeking a site for a new facility for some time and they are apparently being gifted the site. Enable Ireland facility satisfies criteria for “strategic and exceptional” proposals in RCI 8-10, however hospital does not. Further information to address engineering issues and applicants to demonstrate strategic and exceptional nature of the proposal. Photomontages and issue of use of public transport and applicability to this type of facility should also be addressed.
- A request for additional information issued requiring a number of items including a detailed planning argument in terms of the Enable Ireland facility in regard to site selection, strategic and exceptional nature and why it may not be suitably located within zoned lands and impact on specific functions and open character of the greenbelt. Willingness to enter into a Section 47 Agreement in relation to cost of design and supervision of the building of Farranedarragh Roundabout and associated roads element on N71 Chetwynd Viaduct Dual Carriageway Scheme Phase 1. Applicant was requested to outline proposals for improving public transport accessibility. Buildings to be relocated towards southern part of the site. A photomontage with viewpoints from specific locations was also requested. A number of engineering and waste management details were also required to be outlined.
- Following submission of additional information. Architect’s report notes concern at lack of appreciation in the design of the slope and the rural character of the site. Amount of soil proposed to be removed to create a flat plane is unsustainable. Illustration of elevations makes it difficult to assess the aesthetic. Too many materials and building appears haphazard. Elevations should be simplified. Refusal recommended on basis of unsustainable design and scarring of landscape.
- Fire Officer’s report, Area Engineer’s report, Environment report and Senior Engineer Area Operation South and Waste Water Networks Engineering reports indicate no objection subject to conditions.
- Senior Executive Engineer Wastewater – pumping and treatment, whilst noting concern in relation to future capacity within the City Sewerage System indicates no objection subject to conditions.
- Senior Executive Planner’s report asserts that viewpoint 7 is misleading 7 and questions use of wide angle lens. Development will be visible and prominent from Waterfall Road and parts of Bishopstown. Whilst revisions are significant improvement on the original proposal concerns remain that the development is excessively prominent especially the access road. Conditions are drafted on basis of Divisional Manager’s inclination to grant permission.

5.3 Decision.

5.3.1 Cork County Council decided to grant planning permission for the development and 40 conditions were attached which included the following of note:

- Condition 2. Permission granted solely for the Enable Ireland Facility and associated site works to include the clinical facility, special needs

educational facility, access road and associated car park as set out in revised submission submitted on July 1st 2011.

- Condition 3 Proposed entrance to the lands indicated in the layout as a possible future park and ride site shall be omitted.
- Condition 4. Costs of designing supervising and building the Garranedarragh Roundabout and associated roads element of the N71 Chedwynd Viaduct Phase 1 shall be paid for by the applicant. The full scope of these works shall be agreed with Cork County Council / National Roads Office prior to any construction commencing. Provision to this effect to be embodied in agreement between the applicant and Planning Authority pursuant to Section 47 of the Planning and development Act 2000.
- Condition 5. No development shall take place on foot of this permission until the N71 Chetwyn Viaduct Dual Carriageway Scheme Phase 1 road works are completed to the satisfaction of the Planning Authority.
- Condition 6. Permission authorises use of the site only as a special needs clinical and educational facility for Enable Ireland. Structures shall be used solely by that organisation, or by such other public organisation as may succeed to its functional role and provide similar service to similar clients, and no change from this specific use is authorised without the benefit of planning permission.
- Condition 8. Bond of €30,000 to be lodged for the satisfactory protection of trees and hedgerows.
- Condition 8. Mobility Management Plan
- Condition 12. In relation to Woodhaven Pumping Station, the applicant shall not commence development until the upgrade to the Woodhaven pumping station and associated works are carried out, unless otherwise agreed with the Council.
- Condition 13, N25 services crossing to be completed prior to development taking place.
- Condition 14. Applicant shall not commence development of the site until foul sewer across third party lands between Woodhaven pumping station and applicant's site.
- Condition 15. Applicant / developer shall make provision to connect to the proposed Tramore Valley Sewer in the future and downgrade Woodhaven pumping station capacity in accordance with the Council's requirements.

6.0 APPEAL SUBMISSIONS.

6.1 First Party Appeal

6.1.1 The First Party Appeal is submitted by The Hyde Partnership Architects on behalf of the applicant. The states that appeal relates solely to Condition 4 however refers in grounds to both condition 4 and condition 5. Grounds of appeal are summarised as follows:

- The appeal relates to wording rather than the principle of the condition.
- Conditions 4 and 5 of the Board's decision ref 09/6395 PL04.236385 for the adjacent residential development outlines the same scenario. However

the Board restricted development to the extent that occupation of the dwellings could not take place until the completion of the road works. Request that the Board similarly condition that the construction of the building can occur and that the occupation of the facility be restricted until completion of road works.

- Condition 4 as currently drafted and Condition 5 on board's decision PL04 236385 are mutually incompatible. The required design and supervision and building of the Garranedarragh roundabout cannot occur twice and cannot be paid for twice.
- There is a longstanding agreement in place between Castlelands Construction Ltd (PL04236385) and its successors in title, the current applicants (the O Mahony family) and Cork County Council to share equally the costs of the road works. Request that the Board in drafting this condition expand the wording so that dual carriageway scheme phase 1 "should be designed supervised and built by the applicant" either solely or in cooperation with other beneficial users of the works and that prior to development the full scope of works shall be submitted to the Planning Authority for agreement and provisions to this effect shall be embodied in Section 47 agreement between Planning Authority and all other relevant parties.

6.2 Third Party Appeal

6.2.1 The third party appeal is submitted by Seamus O Leary, Fearnog, Ardarostig, Waterfall. The grounds of appeal are summarised as follows:

- Development is inconsistent with the County Development Plan 2009 and Carrigaline Electoral Area Local Area Plan 2011.
- Senior Executive Planner and Senior Planner recommended refusal.
- Development will undermine the strong Green Belt Policy.
- Development will result in increased traffic congestion in the area. N71 a key transport corridor and a priority route for upgrading and investment.
- Development will result in dependency on private transport due to lack of provision of footpaths on the N71 heavy traffic volumes on the N71 between the roundabout and the city and isolation from Public Transport.
- Traffic report submitted inadequate.
- Site is unsuitable for educational facility and is at odds with Development Plan Policy which seeks to encourage integration of these facilities within new and existing communities.
- Conditions imposed by the Planning Authority are at odds with previous applications. Condition 5 of PL04.236385 requires that Castlelands construction pay for the construction of the access roundabout on the N71. Some of the land to be used for the construction of the roundabout was in the ownership of Castlelands Construction which is now in liquidation.
- Site selection solely on the grounds that the site is to be gifted to Enable Ireland does not render the site suitable.

7.0 RESPONSES TO GROUNDS OF APPEAL

7.1 First Party Response to Third Party Appeal

7.1.1 First party response to the grounds of third party appeal is by The Hyde Partnership Architects on behalf of the applicant and is summarised as follows:

- Established principle is that development should not occur on the eastern side of the national secondary road until the existing roadworks (roundabout) are completed to give adequate accessibility to these lands in general. Board has upheld this principle in its decision on PL04.236385.
- This decision also accepted both the principle of development occurring to the east of the roundabout and also, by implication the concept of the adequate capability of this design to cater for developments which were scheduled to occur at the time when the particular design was drawn up. These scheduled development included the then permitted (Outline permission 05/401) hospital ancillary facilities access egress from new cemetery and access egress from proposed park and ride.
- Appellant places much emphasis on Green belt map and Objective 2-2 of the County Plan. The adopted Carrigaline Local Area Plan access anticipates that a future planning study will be necessary to determine the extension of the development area between the Kinsale Road roundabout and the Bandon Road. Objective X-02 of Section 2 Cork City South Environs of LAP and accompanying Zoning Map Cork City South Environs.
- Proposed use of the site is totally different from use as a conventional primary school. It is a combined therapeutic centre and educational facility and the service users arrive and leave exclusively by means of private transport.
- Site selection procedure was lengthy and site deemed to be the most suited to the needs of Enable Ireland.
- Apart from the overlap between the conditions of this permission and that of PL 04.236385 in respect of the access roundabout on the N71, there is no question of the decisions being at odds. There is an agreement in place between the O Mahony family and the successors of the Castlelands to the north and Cork County Council in respect of splitting cost of the roundabout and associated works and co-operation will be necessary and will be forthcoming.

7.2 Planning Authority Response.

7.2.1 The Planning Authority response comprises a submission by The Senior Executive Planner and is summarised as follows:

- In terms of the Greenbelt zoning, it was the view of the Planning Authority that the Enable Ireland facility alone satisfies the criteria for strategic and exceptional proposals as per Objective RCI 8-10 of the Development Plan. The Planning Authority had previously granted outline permission for a slightly larger private hospital / Enable Ireland development at the site. The visual impact of the development has been reduced with the permission of the private hospital and the re-siting of the Enable Ireland facility.

- As this permission is granted based on the strategic and exceptional provisions of the Plan it follows that there can be no expectation for favourable consideration of any future proposals in the green belt which might seek to utilise the access road.
- In relation to first Party Appeal, On the basis of consistency with adjacent permitted development the Planning Authority would have no objection to alteration of the wording such that occupation of the building would not take place until completion of road works.
- There is no inconsistency between condition stating that the applicant is responsible for the cost of designing / building and supervising the road scheme and a similar condition on the housing scheme which states that the developer of it is responsible for the costs of the road. The cost of the road scheme is being shared by the relevant developers. In both decisions Section 47 agreements are to be entered into to give full effect to the conditions.

8.0 ASSESSMENT

8.1 The nature and scale of the proposed development was substantially revised during the course of the application to the Council with the omission of the private hospital element (which provided for 6 no 20 bed wards). I note that the when the initial application was lodged with Cork County Council in November 2010 this pre-dated the Environment (Miscellaneous Provisions) Act 2011 which resulted in amendment to the 7th Schedule of the Act of 2000 (inserted by section 4 of the Planning and Development (Strategic Infrastructure Act 2006). The amendment introduced a new category of Strategic Infrastructure being Health Infrastructure, which was outlined as development comprising the following:

“A health care facility (other than a development which is predominantly for the purposes of providing care services (within the meaning of section 3 of the Nursing Homes Support Scheme Act 2009) which, whether or not the facility s intended to form part of another health care facility, shall provide in-patient services and shall have not fewer than 100 beds in order to so provide”

As outlined above the application was lodged prior to the amendment to the Act therefore the appeal is not affected by this amendment (Amendment came into effect on 7th September 2011 Commencement Order SI 446/2011).

8.2 The development as proposed in response to the request for additional information and as permitted by the Council related to the proposed Enable Ireland facility only and it is this proposed development which is assessed in this appeal. I consider that the appeal can be considered under the following broad headings.

- Principle of development. Development Plan Greenbelt Policy.
- Visual Amenity.
- Traffic.
- First Party Appeal of Conditions 4 and 5.

8.3 Principle of Development.

- 8.3.1 On the question of the principle of development, the site is within the Metropolitan Cork Greenbelt and specifically within Greenbelt Area Requiring Special Protection (A1) to which Objective RCI 8-4 applies. The A1 Greenbelt is afforded the highest level of protection as apart from retaining the open and rural character of lands between and adjacent to urban areas, prevention of urban sprawl and coalescence of built up areas, it has the added function of protecting the prominent open hilltops, valley sides and ridges that define the greenbelt and also give Cork its distinctive open character. The County Development Plan and Carrigaline Electoral Area Local Area Plan consistently set out clear policies to preserve these lands from Development save for in exceptional circumstances as set out in RCI 8-10 Strategic and Exceptional Development.
- 8.3.2 RCI 8-10 refers to Strategic and Exceptional Development which allows for development within the Greenbelt in exceptional circumstances. Key elements of what might qualify as development of a strategic and exceptional nature are that it may not be suitably located within zoned lands, and that such development may be successfully accommodated in Greenbelt locations. In such circumstances, the impact on the specific function and open character of the Greenbelt should be minimised. In response to the Council's request for additional information the First Party set out basis for argument that the subject development would fall within such definition. It was outlined that suitable serviced lands of the appropriate size, accessibility and land cost are not available. The majority of service users arrive by minibus or private car and therefore key issues from the perspective of the organisation is ease of access to the road network. The city and suburbs provide for such access whilst the appeal site provides added seclusion and privacy given the nature of activities on the site. Whilst I accept the arguments of the First Party and acknowledge that the proposed site provides for significant advantages in terms of seclusion and privacy such characteristics are clearly not a pre-requisite given that the initial application intended a private hospital and adjacent park and ride facility. (Notably both facilities are still referenced for future potential on the final site and landscaping layouts).
- 8.3.3 Whilst arguments can be made that the facility is strategic and exceptional on the basis of its character and regional hinterland, I do not accept that the proposed development could not be located on zoned land. I note that Enable Ireland's mission statement "*to work in partnership with those who use our services to achieve maximum independence choice and inclusion in their communities*". I consider that the isolated and remote nature of the proposed location runs contrary to this approach and contrary to the goal of universal access. I accept the bona fides of the applicant's arguments that the existing Enable Ireland facility at Ballintemple raises privacy, security and safety issues. I consider however that insufficient information has been provided in terms of discounting of the alternative sites which were apparently considered. I consider that the general statement in relation to the rejection of the alternative locations does not represent sufficient evidence to conclude that the proposed development could not be located on zoned land. It is clear from documentation on file that the choice of the appeal site is mostly influenced by

the noble offer of the site for free and clearly the local authority's earlier planning permission on the site was further relied upon. I consider that the case does not provide a justification to warrant a departure from the protection of the greenbelt policy. On the question of the appropriateness of the location, the previous decision of the Board PL04.225202 was that the location would result in isolated development which would encourage unsustainable patterns of travel and this remains the case.

- 8.3.4 As regards the impact on the greenbelt it is clear that the proposal including extensive cut and fill and the construction of elevated access road will have a detrimental visual impact and would alter the specific function and character of the greenbelt in this location. Furthermore I consider that the proposal would set an undesirable precedent for similar such development which would be contrary to the proper planning and sustainable development of the area.
- 8.3.5 I note that the First Party in response to the third party appeal refers to objective X-02 within the Carrigaline Electoral Area Local Area Plan 2001 and the stated intention to prepare an Integrated Area Plan for the Tramore Valley. I note that the objectives X-02 refers to proposals set out in the CASP update and area to which X-02 refers is set out on Zoning Map Cork City South Environs 1 and is stated to be indicative only. I do not consider that the specific zoning objective X-02 envisages re-zoning of the greenbelt lands or diminution of the Greenbelt Policy and specific objectives notes that in the interim, while the IAP is being prepared, proposals for development will be guided by the zoning in the plan. On the basis of the foregoing I do not accept that the development would qualify as an exceptional circumstance as defined in RC18-10 of the Development Plan.

8.4 Visual Amenity

- 8.4.1 The site is located in an attractive rural area, in a prominent and elevated position on one of the strategically important ridges that defines the green belt at the edge of Cork City. The importance of these ridges/hilltops and the open countryside of which they form a part is reflected in the very restrictive zoning approach as set out in the County Development Plan 2009 and the Carrigaline Electoral Area Local Area Plan 2011. The photomontage assessment submitted by the First Party relies heavily on the extensive vegetation presently providing screening to the site. Notably road improvement works and implementation of the Phase 1 Chetwynd Viaduct Dual Carriageway Scheme Phase 1 will result in the removal of trees along the N71 roadside boundary rendering site more visible from the immediate vicinity. I further note that many of the existing trees presently providing screening are outside the limits of the site boundary and therefore their retention cannot be guaranteed within the terms of the permission.
- 8.4.2 As regards the detailed layout and design, I would concur with the views of the Council's Architect who was highly critical of the design approach which involves extensive site excavation, cut and fill to create a level building platform and design of the building which bears little if any reference to the

site character. The proposed road access in particular will involve extensive excavations and necessary elevation of the roadway over the natural ground levels will render the development entirely obtrusive. I would concur with the views of the Senior Executive Planner that the submitted photomontages are unreliable and do not accurately and comprehensively demonstrate the real impact of the development. I further note that little assessment is provided of the impact of the development from areas in the immediate vicinity of the site.

8.4 Traffic.

8.4.1 I note that the application was referred to the National Roads Authority by Cork County Council and in their submission dated 12th January 2011 based on the initial proposal for hospital and Enable Ireland facility, the NRA considered the proposal at variance with official national policy in relation to control of frontage development on / affecting national roads and asserted that the application provided insufficient data to demonstrate that it would not have a detrimental impact on capacity, safety or operational efficiency on the national road network in the vicinity of the site. The NRA submission questioned whether the works on the N71 are to be carried out as part of the development and outlined that no development can take place in the absence of these works which will not be provided by the National Roads Authority.

8.4.2 The proposed development is predicated on the completion of the approved roundabout and associated road upgrades on the N71 – The Chetwynd Viaduct Dual Carriageway Scheme Phase 1. Condition 4 expressly provides that the costs falls to the developer. Whilst I note absence of details in the application in terms of traffic impact, in the context of the planned new infrastructure and upgrade of the N71 the levels of traffic arising from the development of the would not be significant and I accept therefore that capacity issues do not arise. On the question of delivery of the roundabout I note that the Board decision on PL04. 236385 expressly provides for private delivery of the relevant infrastructure. On the basis of the foregoing I do not consider that the matters of traffic capacity or safety give rise to reason for refusal.

8.5 First Party Appeal of Conditions 4 and 5.

8.5.1 As regards the first party appeal, I consider that a condition could be appropriately drafted such that provision and payment of the N71 Chetwynd Viaduct Dual Carriageway Scheme be provided for either solely or in co-operation with other beneficial users. In the interests of consistency with the Board's decision on PL04.236385 the provision for construction but not occupation of the building in advance of the provision of necessary road infrastructure could also be provided for in the event that permission were considered.

9.0 CONCLUSIONS AND RECOMMENDATION

- 9.1 It is considered that the proposed development represents development within the greenbelt which does not constitute Strategic and Exceptional Development that would warrant a departure from the A1 zoning objectives and would fail to maintain the specific function and character of the greenbelt as required by Development Plan. The scale and design of the proposed development combined with its elevated position on a strategically important ridge that helps to define the character of the open hilltops surrounding Cork city would result in an unduly prominent and visually obtrusive feature in the landscape. I therefore consider that the proposal should be refused for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

1. The proposed development is located in an area zoned “A1 Green Belt lands” in the Cork County Development Plan 2009, which is awarded the highest degree of protection. The stated objectives for this zone are that the land uses remain in use as agriculture, recreation or open space, that the strategic, largely undeveloped gaps between the main green belt settlements be preserved from development, and that protection be given to those prominent, open hilltops, valley sides and ridges that give Cork its distinctive character. These objectives are considered reasonable and are consistent with the current national policies. It is the policy of the planning authority to resist the loss of these green belt lands to development which could otherwise be located within zoned lands except in the case of strategic and exceptional Development as set out in RCI 8-10 and in such circumstances the impact on the specific functions and open character of the Greenbelt should be minimised. It is considered that the proposed development by reason of its scale and nature of use would not qualify as a strategic and exceptional development as defined in RCI8-10, would result in the loss of agricultural land on an important ridge which forms an important part of the visual setting for Cork City, and would fail to maintain the function and character of the greenbelt. The proposed development would, therefore, contravene materially this development plan zoning objective and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the prominent location of the site in a rural landscape which forms a strategically important visual setting for Cork city, the elevated and exposed nature of the site and its proximity to the N71, which is a main arterial route serving scenic and tourist destinations in West Cork, it is considered that the proposed development by reason of the design, scale, height and layout would result in an unduly prominent and visually obtrusive feature in the landscape. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.

Brid Maxwell, Planning Inspector
27th October 2011