



An  
Bord  
Pleanála

## Inspector's Report ABP-307218-20

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<b>Development</b>	60 no. dwelling units, vehicular and pedestrian access, internal roads/footpaths, 126 no. car parking spaces, public lighting, landscaping, open space areas, home zone areas, and all associated site development and infrastructure works.
<b>Location</b>	Templebryan, Clonakilty, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/00208
<b>Applicant(s)</b>	O'Regan's t/a Pike Construction Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	O'Regan's t/a Pike Construction Ltd
<b>Observer(s)</b>	John, Veronica & Pat Harnedy Mary & Greg Keegan Evelyn Sheehy

Sean & Helen Byerley  
Mary Rose Day  
Breda Coady  
Seamus & Bronagh White  
Aidan O'Sullivan & Noreen O'Neill  
Con O'Neill  
Pat O'Neill  
Colm O'Mahony & Marie Hanley  
Avelway Ltd  
Patrick Barrett  
Sarah Healy  
Alex Gibbons  
Marie Keegan & Colin Deasy

**Date of Site Inspection**

15<sup>th</sup> July 2020

**Inspector**

Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	6
4.0 Planning History.....	8
5.0 Policy and Context.....	8
5.1. Development Plan.....	8
5.2. Natural Heritage Designations .....	9
5.3. EIA Screening .....	9
6.0 The Appeal .....	9
6.1. Grounds of Appeal .....	9
6.2. Planning Authority Response .....	13
6.3. Observations .....	13
6.4. Further Responses.....	23
7.0 Assessment.....	23
8.0 Recommendation.....	38
9.0 Reasons and Considerations.....	38

## 1.0 Site Location and Description

- 1.1. The site is located c. 1 km to the north of Clonakilty town centre on lands that are elevated above the town and accessed by means of a local road, the L-4031-12, which is known as McCurtain Hill. This site lies in an area of residential properties and farmland. These properties are sited adjacent to the local road and off laneways from this road. Several are also sited off a cul-de-sac known as Celtic Breeze. They typically comprise detached two-storey dwelling houses or dormer bungalows set within their own grounds. The farmland is down to grass. The L-4031-12 forms part of a local road network which serves the wider area, and which connects with the N71 at junctions to the NNE beside Shannonvale and Ballinascarty.
- 1.2. The site is of elongated form and irregular shape. It extends eastwards from McCurtain Hill over the majority of two existing fields to encompass an area of 2.6 hectares. This site is the subject of mild gradients, which rise, generally, from south to north and from east to west. The lowest portion is thus the south-eastern part of the site. The most north westerly portion of the site is the subject of more pronounced gradients and so it is the highest part.
- 1.3. At present, although McCurtain Hill abuts the most western boundary of the site, there is no access point from this local road to the site. Likewise, although the westernmost stretch of the southern boundary abuts a laneway to three residential properties, there is no access point from it either. The curtilage of an existing residential property encroaches into the more westerly of the two fields and so the site boundary runs around the southern and eastern perimeters of the same. Elsewhere, the site boundaries coincide with the existing field boundaries, apart from across the northernmost portions of these fields. The roadside boundary is denoted by an embankment and a post and wire fence. The remaining boundaries defined “on the ground” comprise hedgerows, with a supplementary wall featuring on the aforementioned laneway.
- 1.4. Formerly, there was a hedgerow that ran on a north/south axis between the two fields. However, at the time of my site visit, it had been removed. The applicant has advised that this removal was one of a number of items of vandalism to have occurred on the site in recent times.

## 2.0 Proposed Development

- 2.1. The proposal, as originally submitted, would entail the construction of 60 no. dwelling houses (6 no. single storey and 54 no. two-storey (in total 7170 sqm)) comprising the following house types: 20 no. terraced, 24 no. semi-detached, and 16 no. detached. A new vehicular and pedestrian entrance to the site would be formed off McCurtain Hill. The site would be laid out around an east/west spine road and a series of cul-de-sacs/home zones. Parking would be provided on-street (126 no. spaces) and the home zones would be accompanied by play areas.
- 2.2. The proposed dwelling houses would be served by the aforementioned on-site access arrangements. Four dwelling houses would, nevertheless, address McCurtain Hill. The single storey dwelling houses would be sited on the highest portion of the site, i.e. the most north westerly part of the site.
- 2.3. Under further information, the number of proposed dwelling houses was reduced by five to 55 no. (6 no. single storey and 49 no. two-storey) comprising 11 no. terraced, 22 no. semi-detached, and 22 no. detached. The number of car parking spaces was also reduced to 111 no. The number of dwelling houses addressing McCurtain Hill would now be three.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of further information, permission was refused for the following reasons:

1. *The proposed development would be premature pending the provision of pedestrian connectivity connecting the site to the town. The proposed development would, therefore, endanger public safety by reason of traffic hazard, particularly in relation to vulnerable road users, and would be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the specific zoning objective of the overall CK-R-01 lands, for "Medium B Density Residential Development in the form of single storey dwellings", it is considered that the development as proposed incorporating a large number of two storey dwellings would materially contravene Objective CK-R-01 of the West Cork*

*Municipal District Local Area Plan 2017. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

*3. Having regard to the existing pattern of development and the prominent and elevated nature of this site located in a high value landscape on the edge of Clonakilty Town, it is considered that the proposed development, by reason of its site strategy, overall scale of development, design, layout and urban form, would be out of character with the existing pattern of development in this area, would interfere with the character of the landscape at this location and would seriously injure the visual amenities of the area. It is considered that the proposed development would constitute an inappropriate housing scheme which would be contrary to the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities”, 2009, and would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Further information was sought with respect to the following matters:

- Pedestrian connectivity between the site and the town.
- Proposal would be urban in character and yet the site is in an edge of town location: Redesign to achieve, generally, a lower density and greater separation distances from adjoining lands, along with several more detailed revisions.
- Revised Visual Impact Assessment (VIA), with additional long distant viewing points from designated scenic routes.
- Details of external and internal boundary treatments.
- Recommendations concerning boundary treatments.
- Details of play areas.
- Identify plots for Part V compliance.
- Phasing plan.
- Future maintenance: Taking in charge or management company?

- Traffic and Transport Assessment (TTA).
- Details concerning surface water drainage.
- Ecological assessment of hedgerow, which dissects the site.
- Geophysical survey of the site.

Possible need for material contravention procedures, under Section 34(6) of the Planning and Development Act, 2000 – 2020, flagged.

### 3.2.2. Other Technical Reports

- Irish Water: No objection + Standard notes.
- IFI: Defers to Irish Water.
- TII: Following receipt of FI, no observations.
- Cork County Council:
  - Public Lighting: No objection, subject to conditions.
  - Estates: Following receipt of FI, no objection, subject to conditions.
  - Environment: No objection, subject to condition.
  - Area Engineer: Following receipt of FI, objection is raised on the basis that the applicant has failed to adequately address and demonstrate pedestrian connectivity and so the proposal would be premature. The view is expressed that development should proceed outwards from the town on a sequential basis.
  - Traffic and Transport: Following receipt of FI, objection is raised on the grounds of lack of pedestrian connectivity, the high level of car parking/reliance on car-borne travel/impact upon the Shannonvale Junction between the N71 and the L4032-30.
  - Ecologist: Following receipt of FI, no objection, subject to conditions.
  - Architect: Following receipt of FI, objection is raised on the grounds that the proposal would be at odds with the pattern and amenities of the adjoining residential development and prematurity with respect to pedestrian connectivity.

- Archaeologist: Following receipt of FI, the need for a geophysical survey prior to a decision on the application is emphasised on the basis that it may prompt the need for revisions to the layout of the site.

## 4.0 Planning History

PPW17/515: Pre-application consultations occurred on 22<sup>nd</sup> September 2017 and 11<sup>th</sup> July 2018.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), Clonakilty is identified as a County Town in West Cork, which lies within Landscape Character Type 3, Indented Estuarine Coast, which is deemed to be of very high landscape value and sensitivity and of national landscape importance. Several roads that approach the town from the E and the S are designated Scenic Routes.

Under the West Cork Municipal District Local Area Plan 2017 (LAP), the site is shown as being within the settlement boundary of Clonakilty Environs. It is part of a larger 3.8-hectare site, which is zoned residential and identified as CK-R-01. The accompanying Specific Objective states “Medium B Density Residential Development, single storey dwellings.” Under Objective HOU 4-1 of the CDP, such residential development is envisaged as having a net residential density of between 12 and 25 dwellings per hectare, with a higher maximum of 35 dwellings per hectare envisaged for “smaller towns, i.e. less than 5000 population outside Metropolitan Cork. In the 2016 Census, Clonakilty had a population of 4592.

General Objectives in the LAP with a bearing on the proposal for the site include the following ones:

*CK-GO-05: Protect and enhance the attractive coastal setting and landscape character of the town.*

*CK-GO-06: Promote improved pedestrian access and linkages, movement and safety throughout the town.*

The southern boundary of the site abuts the former Town Council boundary, which denotes the extent of the Clonakilty Town Development Plan 2009 – 2015 (TDP). Nevertheless, the site is shown as undeveloped residentially zoned land in this Plan, which lies above the 200m contour. Trees and hedgerows on either side of the local road between this site and the functioning town are shown as being protected and the route of the proposed Northern Relief Road Distributor is shown as crossing this local road on an E/W axis to its S. Two ringforts are also shown as lying to the S of the site, i.e. CO135-020 & 021.

## 5.2. Natural Heritage Designations

- Gallanes Lough pNHA (001052)
- Clonakilty Bay pNHA (000091)
- Clonakilty Bay SAC (000091)
- Clonakilty Bay SPA (004081)

## 5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2020, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 2.6-hectare urban site to provide 60 new build dwelling units. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicants begin by describing the site within its context and the proposal. They summarise relevant national, regional, county, and local planning policies and

objectives. They contend that the material contravention of the LAP inherent in their proposal should be accepted by the Board in exercise of its powers under Section 37(2)(b) of the Planning and Development Act, 2000 – 2020, on the basis that it is of strategic importance, as “Clonakilty is the largest settlement in West Cork and zoned sites such as this site need to be delivered if the Town is to meet the population targets set out in aforementioned policies and objectives.” They also summarise the following information stage of the application.

The applicants cite the following grounds of appeal:

- Connectivity to the town
  - Under FI, the applicants advised that they had contacted the 4 landowners on upper McCurtain Hill who would be affected by the provision of a continuous public footpath between the site and the town. Two responded and two did not. Given this level of response, the Area Engineer’s advice that the landowners on lower McCurtain Hill be contacted, too, has not been pursued.
  - In lieu of a continuous public footpath, the applicants outlined several measures, which would promote pedestrian safety, e.g. a carriageway pinch point, speed humps, signage, and lighting.
  - The provision of continuous public footpath is the responsibility of the PA, which is uniquely placed to ensure the delivery of the same, if needs be, by recourse to its compulsory acquisition powers<sup>1</sup>. Funding could be secured by means of a special contribution.
  - Examples of housing schemes elsewhere in the County are cited<sup>2</sup>, where the PA granted permission even though a continuous public footpath to the nearest town was not available or in prospect.
- Detailed matters
  - Access: Sightlines at the proposed access from McCurtain Hill would accord with DMURS, i.e. 2.4m x 65m, and the proposal would facilitate

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<sup>1</sup> The applicants’ submission to the current review of the CDP on this topic is included under Appendix B to their grounds of appeal.

<sup>2</sup> Refer to Appendix E of the applicants’ grounds of appeal for details.

the widening of the carriageway by 1m and the provision of a grass verge and a footpath across the site's frontage.

- Layout: The proposed layout would reflect the topography of the site with the single storey dwelling houses being sited on higher ground. On-site access would entail a traffic calmed spine road with short cul-de-sacs/home-zones/play areas on either side of it. This road and these cul-de-sacs would be accompanied by footpaths and the home-zones would facilitate the prioritisation of pedestrians. Under FI, the layout was amended in conjunction with the contraction of the number of dwelling houses by 5.
- Housing mix: As revised the proposal would comprise 8 two-bed, 35 three-bed, and 12 four-bed dwelling houses.
- Dwelling design: Quantitatively each dwelling would exceed the minimum floor size for its type as set out in the Quality Housing for Sustainable Communities: Best Practice Guidelines. Aesthetically, the design approach seeks to offer “a balanced dialogue between Irish vernacular architecture, the local characteristics of Clonakilty, sustainability, and currently available technology.” The prominence and visibility of the dwelling houses would be eased by the specification of low eaves and dark coloured render.
- Materials and finishes: Earthy and natural tones would be achieved by the specification of native planting, natural slate, galvanised steel, anodised aluminium, and exposed timber, all of which acquire an attractive weathered appearance overtime.
- Private open space: Each dwelling house would be provided with private open space in excess of the PA's minimum standards, as set out in its Residential Estates Design Guide.
- Density: The revised proposal would exhibit a density of 21.15 dwellings per hectare, which would be consistent with its LAP designation as a Medium D site, wherein a range of 12 – 25 dwellings per hectare pertains.
- Public amenity and recreation areas: The proposal would entail the provision of neighbourhood, local, and district play areas, which together

would exceed the requirements of the PA's Recreation and Amenity Policy. Additional play areas would be provided in conjunction with home zones.

- Landscape and visual impact
  - The LVIA concluded that there is no significant difference in terms of impacts between the proposal and a development of entirely single storey dwelling houses on the site.
  - The LVIA indicates that the only predicted adverse visual impacts would occur in the views denoted as Nos. 2 and 3 and these would be low – medium ones, which would be confined to the construction phase.
  - The LVIA indicates that while the impact of the proposal on the landscape would be visible and significant it would be effectively mitigated by the layout and design and the retention of the majority of existing hedgerows and trees, along with new planting. Thus, in the medium – long term full integration into the landscape would be achievable. The case planner drew attention to the context of the site, which includes the functioning town to the south and residential properties in the vicinity. She expressed the view that the proposal would not have “hugely negative impacts on the landscape”, a view that is in tension with the subsequent third reason for refusal.
  - The Hedgerow Appraisal acknowledges that 110m of hedgerow would be removed. While this hedgerow is of interest as a field boundary that is shown in the 1<sup>st</sup> edition of the Ordnance Survey map of the area, its condition is “unfavourable”. The retention and enhancement of other hedgerows would lead to a net gain in hedgerows across the site.

- Justification for a material contravention of the LAP

The applicants elaborate on why they consider that the Board should entertain a material contravention. They state that the topography of the site is such that over the lower lying area the proposed two-storey dwelling houses would be capable of being accommodated and over the higher lying area the proposed single storey dwelling houses would, likewise, be capable of being

accommodated. This is evident from the findings of the LVIA, which concluded that no adverse impacts would arise. Furthermore, the widespread retention of existing trees and hedgerows and their augmentation by means of new planting would mitigate the impacts that would arise. The proposal would be compatible with the amenities of existing residential properties nearby.

## 6.2. Planning Authority Response

None

## 6.3. Observations

### (i) John, Veronica & Pat Harnedy of 5 Cappeen, Clonakilty

- The proposal would be of high density and thus out of character with a rural area.
- Traffic generation would exacerbate the existing situation wherein McCurtain Hill is hazardous. Given the absence of agreement of landowners and the narrowness of the road in question, the proposed footpath appears purely aspirational.
- The traffic survey pertains to a junction to the north of the site rather than more relevant ones to the south in the functioning town.
- Surface water drainage on McCurtain Hill is poor at present: What would it be like under the proposal?
- The LAP requires the specification of single storey dwelling houses on the site.
- Support is given to the PA's draft reasons for refusal.

### (ii) Mary & Greg Keegan of Cappeen, Clonakilty

- The need for the proposal is questioned, as there is scope for 400 dwellings to be built in Clonakilty.
- McCurtain Hill is hazardous for motorists let alone pedestrians: Attention in this respect is drawn to the absence of footpath provision.

- Traffic generation would exacerbate existing congestion on McCurtain Hill. In this respect, the assumption in the TTA that traffic would head north and thus avoid the town is questioned.
- Under FI, a nominal reduction in the number of dwelling houses has been made in conjunction with the specification of more larger dwelling houses. The LAP's single storey requirement has been disregarded. In this respect, the LVIA's claim that the specification of two storey dwelling houses would have no greater impact than if single storey dwelling houses were to be proposed is contested.
- What commensurate improvements in local services are being proposed for Clonakilty in conjunction with this proposal?
- The site is within a scenic area, which should be protected. In this respect, the proposed loss of an ancient hedgerow and the habitat that it provides would be unacceptable.
- The scale of the proposal would be out of character with the area and it would adversely impact upon the amenities of nearby residential properties. It would be suited to an in-town site.

**(iii) Evelyn Sheehy** of "Tranquil View", Scartagh, Clonakilty

- Support is given to the PA's draft reasons for refusal.
- Attention is drawn to the absence of a footpath into town for the increase in the number of pedestrians that would arise under the proposal. Even if the PA were in a position to provide the needed footpath, the adequacy of the existing carriageway to accommodate the additional traffic is questioned. Likewise, the loss of hedgerow that such provision would entail would be retrograde ecologically.
- The density and prevalence of two storey dwelling houses in the proposal would lead to the urbanisation of a scenic rural area. The LAP would thereby be contravened, and the amenities of residential properties adversely affected.

- Exception is taken to the design details, e.g. the white colour of the render to the roadside dwelling houses and the dark colour proposed for the remaining dwelling houses.
- The proposed level of parking and associated private car use would lead to a deterioration in air quality and noise pollution, both with adverse implications for public health. Harmful carbon emissions would, likewise, increase.
- Existing residential properties in the vicinity of the site enjoy an open aspect and they are less than two storeys in height, attributes that would not be reflected in the proposal.
- Specifically, the proposal would lead to overlooking of the observer's residential property.
- Concern is expressed over the adequacy of the proposed surface water drainage arrangements to avert local flooding in a time of climate change.
- Concern is expressed that the public sewerage system may be unable to cope with foul water from the proposal.
- The importance of the scenic setting of Clonakilty to tourism is emphasised.
- The proposal would result in the loss of scenic southerly views within the area for both the public and local residents.
- Visitors use the road in question to walk to the Templebryan stone circle.
- Local services would not be able to cope with the influx of residents that would occur under the proposal.
- The challenge of Covid-19 reinforces the above cited concerns over the need to promote public health and recreation.

**(iv) Sean & Helen Byerley** of 2 Celtic Breeze, Cappeen, Clonakilty

- The proposal would comprise single storey dwelling houses and so it would contravene the LAP.
- Traffic generation would obviate the opportunity for family members to walk or cycle along McCurtain Hill.

- The site lies outside the settlement boundary in the TDP and so it is in a rural area wherein urban generated housing is disallowed.
- The proposal would entail the provision of an urban streetscape, which would be out of character with a rural area.
- Under the draft County Landscape Strategy, urban style housing on the outskirts of small settlements is recognised as risking an adverse impact.
- The proposal may lead to additional surface water run-off down McCurtain Hill.

**(v) Mary Rose Day of Scartagh, Clonakilty**

- Traffic generation would overload the local road. Thus, even if a lit public footpath were to be provided, this issue would persist.
- The predominantly two storey housing development would be contrary to the LAP and it would be out of character with the surrounding rural area within which residential properties are less than two storeys in height
- Concern is expressed that the proposal could lead to surface water run-off from the site that would damage properties at lower levels.
- Concern is also expressed over possible noise, litter, and anti-social behaviour.

**(vi) Breda Coady of 2 Cappeen, Clonakilty**

- The applicant has failed to resolve the issue of pedestrian connectivity with the town.
- The site is elevated and overlooks Clonakilty Bay. The proposal is for 55 dwelling houses, an extraordinary number for its host rural locality.
- The visual impact of the proposal by day and by night, when it would be illuminated by streetlights, would be pronounced from public vantage points on the Inchydoney and Ring Roads.
- The traffic survey relates to the Shannonvale junction to the north of the site rather than to the more heavily used Ballinascarty junction further to the north.
- The predominantly two storey housing development would be contrary to the LAP and it would be inappropriate on such an elevated site.

**(vii) Seamus & Bronagh White** of 3 Celtic Breeze, Cappeen, Clonakilty

- As it is, McCurtain Hill has been the subject of petitioning for adequate pedestrian and cycle facilities. Traffic generation would compound the existing hazard faced by these vulnerable road users.
- The urban character of the proposal on an elevated site would be out of character with the rural area and it would adversely affect the setting of Clonakilty.
- Traffic generation would lessen the incidence of pedestrians and cyclists on McCurtain Hill with a consequent increase in car usage and its harmful environmental impacts.

**(viii) Aidan O’Sullivan & Noreen O’Neill** of Templebryan South, Clonakilty

- Contrary to the impression created by the applicants, the site is not within the town but beyond its TDP settlement boundary and in a rural area. Thus, between this site and the town there are large tracks of undeveloped land and existing residential properties exhibit very low densities. To introduce the highly urban proposal into this context would be totally out of character.
- As it is McCurtain Hill is unsuitable for pedestrians and cyclists, some of whom are intent upon visiting Templebryan stone circle to the north of the site. Traffic generation would exacerbate the existing hazard posed to road users and lead to a reduction in walking and cycling along it.
- The applicants have failed to address pedestrian connectivity satisfactorily. The scale of their proposal is such that it cannot be reasonably compared with other housing off McCurtain Hill. Likewise, examples from elsewhere in the County are ruled out.
- The validity of the TTA is questioned as it examines traffic at a junction on the N71 to the north of the site, which is used far less by commuters than the junction at Ballinascarty.
- The visual impact of the proposal by day and by night, when it would be illuminated by streetlights, on such an elevated and elongated site would be pronounced from public vantage points on the Inchydoney and Ring Roads. In this respect, the LVIA’s awarding of neutral significance to high visibility is

questioned. Attention is drawn to application W/00/7335 for 7 dwelling houses on a site opposite the subject site. This application was refused on the grounds of visual obtrusion, how much more so should the current one be for 55 dwelling houses.

- The design of the proposal, which would entail the creation of a street with dwelling houses finished in black render, would be totally out of character with the area.
- The specification of two storey dwelling houses would be contrary to the LAP. Such dwelling houses in the vicinity of the observers' residential property would lead to overlooking.
- Existing water pressure is low and so concern is expressed over the impact of the proposal upon the same.
- The applicant has failed to undertake the requested geophysical survey of the site.
- A PA meeting held in 2000 is recounted in which it was recognised that densities should fall outward from the centre of Clonakilty to reflect the importance of this centre and to avoid the creation of satellite developments that disrupt the social fabric of rural areas. This approach remains appropriate.

**(ix) Con O'Neill of Oak Meadows, Kilgaffiffe, Clonakilty**

- Traffic generation would exacerbate the hazard already posed by McCurtain Hill.
- Single storey dwelling houses would contravene the LAP and their siting on such an elevated site would be an eyesore.
- The urban character of the proposal would place it at odds with its surroundings.
- The TTA examined the "wrong" junction, i.e. the one at Shannonvale rather than the one at Ballinascarty.
- Surface water run-off down McCurtain hill is a continuing issue: The proposal would exacerbate it.

**(x) Pat O'Neill** of Inis Sioda, Clonakilty

- Support is expressed for the PA's draft reasons for refusal.
- The reduction in the number of dwelling houses fails to respond adequately to the rural nature of the site.
- Single storey dwelling houses would contravene the LAP.
- Traffic generation would overload McCurtain Hill, which is a narrow road with pinch points.
- The validity of the TTA is questioned as it examines traffic at a junction on the N71 to the north of the site, which is used far less by commuters than the junction at Ballinascarty.
- Surface water run-off down McCurtain Hill is a continuing issue: The proposal would exacerbate it.

**(xi) Colm O'Mahony & Marie Hanley** of 5 Celtic Breeze, Cappeen, Clonakilty

- The proposal would be a very large urban development for a rural site.
- McCurtain Hill serving the site is extremely poor. The TTA did not address traffic flows between the site and the town centre. It did address the Shannonvale junction on the N71. However, this junction is less relevant than the Ballinascarty junction. Vehicle movements from a position near to the site are hazardous at present: This does not bode well for any construction phase and beyond, i.e. sightlines are and would be limited.
- Development should only proceed once proper pedestrian access to the town is in place.
- Car parking provision would encourage excessive car usage on McCurtain Hill.
- Surface water run-off down McCurtain Hill is a continuing issue: The proposal would exacerbate it.
- Single storey dwelling houses would contravene the LAP.

- Under the CDP, the site lies in the landscape character area known as Indented Estuarine Coast, which is scenic. Under Objective ENV 3-4, important views are to be protected in such areas.
- An on-going query relates to the ownership of the site.
- Attention is drawn to the western portion of Clonakilty, which has been overdeveloped. This portion of the town was without proper pedestrian connectivity to its local shop for years. Against such a backdrop, such connectivity should precede development.
- Likewise, the example of Celtic Breeze opposite the subject site illustrates how housing can be developed with internal footpaths that fail to link to any external ones.
- Celtic Breeze and Cappeen Cottages are referred to by the applicants. However, they are small housing schemes that are salutary insofar as they were permitted without proper pedestrian connectivity.
- Inis Sioda is also referred to by the applicants. However, it lies considerably nearer to the town than the subject site.
- The proposal would jeopardise the proposed northern relief road.
- The proposal fails to provide a pedestrian link to the nearby Clonakilty Greenway.
- A more comprehensive traffic survey than that undertaken is needed.
- McCurtain Hill is used as an alternative route to Clonakilty town centre by-pass. It is thus overused. Any interventions would thus need to be properly thought through.
- Road usage on McCurtain Hill needs to be surveyed for more and longer periods, i.e. 08.00 – 09.20, 15.20 – 16.20, and 17.00 – 18.30.
- The road comprising McCurtain Hill and beyond as far as Shannonvale is not fit for purpose, as it is.
- Attention is drawn to a sharp bend in the aforementioned road to the S of the proposed access to the site.

- Sightlines at the proposed access to the site would be inadequate.
- The environmental impact of any construction phase would need to be controlled.
- McCurtain Hill is unsuited to HGVs: This has implications for any construction phase.
- Surface water run-off down McCurtain Hill is a continuing issue: The proposal would exacerbate it.
- In the absence of proper pedestrian connectivity, it would be impossible for children to walk to school safely.
- Clonakilty has a recognised scenic setting, which is of importance to tourism.
- During the recent Covid-19 lockdown, it was possible with care to walk along McCurtain Hill. Since then traffic has increased, thereby obviating the opportunity for such walking.
- The proposal would be in an isolated position.
- A geophysical should have been undertaken.
- The applicants' interim measures to improve pedestrian connectivity are noted. However, they would be unsafe at a time when traffic generation would increase by virtue of their development.
- How will hedgerows be protected during any construction phase?
- The loss of a hedgerow and along with-it habitat may have implications for local bird life.

**(xii) Avelway Ltd** of Main Street, Ballineen

- The observer states that the applicants are not the full beneficial owner of the subject site and so their legal entitlement to make the current application is questioned.
- Who are the applicants, i.e. are they the O'Regans or Pike Construction Ltd?

**(xiii) Patrick Barrett** of Scartagh, Clonakilty

- The proposal, as an urban development in a rural area, would be out of character and it would double the number of dwelling houses in this area.
- McCurtain Hill is narrow and unlined and so unsuitable for the traffic that would be generated. The TTA's choice of junction overlooks the one that most local people use.
- McCurtain Hill lacks a footpath and so it is at present hazardous for pedestrians. The applicants need to take responsibility for resolving this issue.
- The site is identified in the LAP for single storey dwelling houses: The specification of two storey dwelling houses would have a greater visual impact.
- Contrary to the received wisdom in these matters, the proposal would result in a high density development on the fringe of Clonakilty rather than a low density one.
- Support is given to the PA's draft reasons for refusal.

**(xiv) Sarah Healy** of Rathdrought, Ballinadee, Bandon

- The urban nature and scale of the proposal should preclude it from the subject site, which is in the countryside.
- Attention is drawn to a nearby standing stone and the importance of respecting the tranquillity and scenic value of the area.
- Attention is drawn to circumstances surrounding the sale of the subject site to the applicants.

**(xv) Alex Gibbons** of Scartagh House, Clonakilty

- The scale and density of the proposal would be excessive.
- The suitability of the proposed boundary treatment between the observer's property and the subject site is questioned.
- Questions are raised as to whether the applicants are a legal entity, whether the application has been properly constituted, and whether Templebryan is the correct townland.

**(xvi) Marie Keegan & Coin Deasy of Carhoo, Clonakilty**

- Support is given to the PA's draft reasons for refusal.
- The single storey dwelling house requirement for the site has been disregarded and the proposal would be of high density in a rural area.
- As there are c. 400 dwelling houses presently proposed for Clonakilty, the need for the proposal is questioned and attention is drawn to the absence of provision for childcare and schooling from it.
- The proposal would have a significant visual impact locally and from coastal roads around the town.
- McCurtain Hill is narrow and the hazard that it poses would be exacerbated by the additional traffic. The absence of footpath provision means that this road is especially hazardous to pedestrians. Additional traffic would also exacerbate existing congestion at the foot of McCurtain Hill and St. Patrick's Hill.

**6.4. Further Responses**

None

**7.0 Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, the LAP, and the TDP, relevant planning history, the submissions of the parties and the observers, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) Land use and density,
- (iii) Development standards,
- (iv) Landscape and visual impacts,
- (v) Material contravention of the LAP,
- (vi) Residential amenity,

- (vii) Conservation
- (viii) Archaeology,
- (ix) Traffic, access, and parking,
- (x) Pedestrian facilities,
- (xi) Water, and
- (xii) Screening for Stage 1 AA.

**(i) Legalities**

- 7.2. The completed application forms state that the applicant is the O'Regan's trading as Pike Construction Ltd and that the O'Regan's are Paddy and Mary O'Regan. They also state that the applicant is the owner of the site.
- 7.3. Observers question who the applicant is, whether it constitutes a legal entity, and whether it is the full beneficial owner of the entire site. The description of the site as lying within the townland of Templebryan is also questioned.
- 7.4. By reference to the completed application forms, I consider that the applicant is the O'Regan's who are identified as being Paddy and Mary O'Regan. They state that they are directors of a company the registration number of which is Pike Construction Ltd. Thus, the O'Regan's and Pike Construction Ltd appear to be interchangeable.
- 7.5. I consider, too, that, in the absence of documentary evidence to the contrary, the applicant's statement to the effect that it is the owner of the entire site stands. The cited townland was accepted by the PA in its validation of the current application. Its prerogative in this respect is not now open to review.
- 7.6. I conclude that there are no legal impediments to the Board proceeding to assess and determine the current application/appeal.

**(ii) Land use and density**

- 7.7. Under the Cork County Development Plan 2014 – 2020 (CDP), Clonakility is identified as a County Town in West Cork.
- 7.8. Under the West Cork Municipal District Local Area Plan 2017 (LAP), the site is shown as being within the settlement boundary of Clonakility Environs. It is part of a

larger 3.8-hectare site, which is zoned residential and identified as CK-R-01. (The southern boundary of the site abuts the former Town Council boundary, which denotes the extent of the Clonakilty Town Development Plan 2009 – 2015 (TDP). Nevertheless, the site is shown as undeveloped residentially zoned land in this Plan). Thus, in principle, the site can be developed for residential use.

- 7.9. The Specific Objective that accompanies CK-R-01 states “Medium B Density Residential Development, single storey dwellings.” Under Objective HOU 4-1 of the CDP, such residential development is envisaged as having a net residential density of between 12 and 25 dwellings per hectare, with a higher maximum of 35 dwellings per hectare envisaged for “smaller towns, i.e. less than 5000 population outside Metropolitan Cork. In the 2016 Census, Clonakilty had a population of 4592.
- 7.10. Under the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines, advice on densities for outer suburban/“greenfield” sites on the outskirts of larger towns, which are defined as having a population of 5000 or more, is given. (Under SPPR 4 of the Urban Development and Building Height (UDBH) Guidelines, this advice is now mandatory, i.e. the minimum densities must be secured). As the population of Clonakilty falls below this threshold, it is classified by the SRDUA Guidelines as a small town, in which graduated densities are considered to be appropriate over central, edge of centre, and edge of small town locations. The subject site lies on the edge of Clonakilty. Thus, while densities of 20 – 35 dwellings per hectare are considered to be appropriate for edge of centre locations, edge of town locations should have densities between 15 – 20 dwellings per hectare or less, if the resulting dwellings would constitute no more than 20% of the town’s new housing stock.
- 7.11. Under the revised proposal, 55 dwellings would be constructed on a site with an area of 2.6 hectares. Thus, this proposal would exhibit a net density of 21.15 dwellings per hectare and so, while it would come within the range of relevant densities cited by Objective HOU 4-1 of the CDP, it would exceed the relevant range of 15 – 20 dwellings per hectare cited by the mandatory SRDUA Guidelines. Nevertheless, as SPPR 4 of the UDBH Guidelines states that PAs must secure these minimum densities, I consider that they do not debar densities in excess. Thus, objection in principle to the density of the proposal is not warranted.

- 7.12. I note that a district play area would be sited within the site. I note, too, that the SRDUA Guidelines state that the area of open space serving a wider area can be deducted from the site area for the purposes of calculating net, as distinct from gross, density. Given the siting of the said district play area within the site and given, too, the presence of home zones on either side of it, I do not consider that this area would be likely to function as open space which serves a wider area and so I am not inclined to deduct its area for the purpose of calculating net density.
- 7.13. Observers draw attention to the density of the proposal, which would contrast sharply with the low densities exhibited by residential properties in the surrounding area. They also refer to the need for a gradation in densities outward from the town centre.
- 7.14. While I recognise the observers' concerns, as outlined above, there is no basis under national planning guidelines or the CDP upon which to insist upon a lower density of development for the site.
- 7.15. I, therefore, conclude that there is no in principle objection to the proposal from land use or density perspectives.

**(iii) Development standards**

- 7.16. The revised proposal is for 55 dwelling houses, which would disaggregate as 8 two-bed, 35 three-bed, and 12 four-bed dwelling houses. These dwelling houses further disaggregate as follows:
- House type 2B: Two storey, 2-bed/3-person/92sqm – 8 units
  - House type 3A: Single storey, 3-bed/5-person/113sqm – 6 units
  - House type 3Bi: Two storey, 3-bed/5-person/126sqm – 14 units
  - House type 3Bii: Two storey, 3-bed/5-person/126sqm – 10 units
  - House type 3S: Two storey, 3-bed/5-person/96sqm – 5 units (Part V)
  - House type 4Ai: Two storey, 4-bed/6-person/142sqm – 3 units
  - House type 4Aii: Two storey, 4-bed/6-person/142 sqm – 7 units
  - House type 4B: two storey, 4-bed/6-person/142sqm – 2 units

While the applicant has not provided a commentary on the rationale for the housing mix thus adopted, I consider that it would represent a reasonable spread of options for prospective residents. The overall floor areas of each house type would exceed the recommended minimum areas in this respect set out in Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines. Other areas cited in this Table would be met, too, with the exception of internal storage, which could be the subject of conditioning, if the Board is minded to grant permission.

- 7.17. Under FI, the PA raised several development standards issues with the applicant concerning the allocation of private open space and the siting of dwelling houses in relation to site boundaries. These issues were resolved by the applicant and the drawing entitled “site plan – private amenity areas” shows by plan and table how the allocation of private open space would exceed relevant CDP standards.
- 7.18. The layout of the site would be based on the home zone concept, wherein the needs of pedestrians, cyclists, and children are prioritised over those of drivers. Thus, the spine road, cul-de-sacs, and the home zones themselves would all be designed to ensure traffic calming. Seating areas would be distributed throughout the site and the home zones would be accompanied by play areas, which would exhibit a hierarchy of provision, i.e. general/local/neighbourhood/district (cf. drawing entitled “site plan – public amenity and recreation areas). Under Item 6 of the Architectural Response to the PA’s RFI, the applicant demonstrates that the level of public open space provision comprised in the proposal would exceed that required under the PA’s Recreation and Amenity Policy.
- 7.19. I conclude that the proposal would be capable of meeting all relevant development standards designed to ensure that future residents would be afforded a satisfactory standard of amenity. I conclude, too, that the design of house types, layout of the site, and provision of play areas would combine to ensure that the proposal is particularly attractive to households with children.

#### **(iv) Landscape and visual impacts**

- 7.20. Under the CDP, the site is shown as lying within Landscape Character Type 3, Indented Estuarine Coast, which is deemed to be of very high landscape value and sensitivity and of national landscape importance. This site lies on elevated land to the north of Clonakilty and so when viewed from the south of the town, e.g. from the

waterside routes of Old Timoleague Road (designated as a Scenic Route in the CDP) and Inchydoney Road, it lies on the skyline, which forms a backdrop to the same. Thus, the site lies within an important landscape and in a prominent location.

7.21. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) of the proposal, which examines the visual impact of the proposal from 10 representative viewing points. Of these viewing points the following register significant visual impacts and so are listed with a summary of the applicant's assessment:

- View point 3 from a position adjacent to the site on McCurtain Hill: The roadside dwelling houses and the initial dwelling houses along the spine road would be immediately visible from this point and so the degree of change would be high and the post-construction impact would be high, though neutral.
- View point 4 from a position to the south of the site on McCurtain Hill: Through a gateway to a convent the most easterly dwelling houses would be visible on the skyline in the middle distance from this point and so the degree of change would be medium and the post-construction impact would be high, though neutral.
- View point 6 from Ardfield Road/Clogheen Road Junction within Clonakilty: Looking over a built-up area, tall pine trees on the skyline to the NW of the site stand out on the skyline and the vast majority of the dwelling houses would be visible to the east of these trees on the skyline, too. The degree of change would be medium and the post-construction impact would be high, though neutral.
- View point 9 from Inchydoney Road: Looking over the water and the SE outskirts of Clonakilty, tall pine trees on the skyline to the NW of the site stand out on the skyline and the vast majority of the dwelling houses would be visible to the east of these trees on the skyline, too. The degree of change would be medium and the post-construction impact would be high, though neutral.
- View point 10 from Old Timoleague Road: Looking along this waterside road and the east of Clonakilty, tall pine trees on the skyline to the NW of the site stand out on the skyline and the majority of the dwelling houses would be

visible to the east of these trees on the skyline, too. The degree of change would be medium and the post-construction impact would be high, though neutral.

- 7.22. I note that only view point 4 is considered to entail a high degree of change, i.e. “total loss of or major alteration to the key elements or characteristics of the view, and/or introduction of elements considered totally uncharacteristic in the context of the view.” The remaining view points are considered to entail a medium degree of change, i.e. “partial loss or alteration to one or more key elements or features, and/or introduction of elements that may be prominent but may not necessarily be considered to be substantially uncharacteristic in the context of the view.” However, insofar as the longer distant views of the proposal from view points 6, 9, and 10 would afford sight of either the majority or the vast majority of the dwelling houses on the skyline, this would represent a scale and mass of new development on the skyline of a greater order than exists at present and so this development would be of a different character from the one-off dwelling houses that somewhat randomly already appear on the skyline. The registering of a high degree of change may thus be warranted.
- 7.23. I note, too, the post-construction impact is consistently stated as being “high neutral”, as the vernacular design and dark appearance of the proposal and the landscaping that would accompany it are considered as neutralising its high impact. Again, with respect to the scale and mass of new development on the skyline, when seen from view points 6, 9, and 10, I consider that an adverse impact would result, i.e. an existing stretch of skyline characterised by natural vegetation would be largely replaced by a consistent and extensive line of new development. Street lighting would draw attention to the development at night. Over the medium to long term, the establishment of landscaping would ease the degree of adverse impact, although there may be pressure to lower such landscaping, insofar as it would screen views of Clonakilty Bay.
- 7.24. The applicant states that the landscape impact of the proposal would be high and of neutral significance. As with the visual impact, this finding of neutrality is based on the same factors as discussed in the preceding paragraph and so my critique of this position is the same as before, too.

- 7.25. The PA in its third reason for refusal critiques the design approach of the proposal for the subject site. In its second reason for refusal, it further cites the failure to consistently specify single storey dwelling houses, as required by the Objective CK-R-01 of the LAP. The observers, likewise, express objection on these grounds.
- 7.26. The applicant has responded by reiterating the above cited aesthetic attributes of the proposal. It has also drawn attention to the siting of the single storey dwelling houses on the highest portion of the site and it has expressed the view that the consistent specification of such dwelling houses across the site would not significantly lessen the visual impact of the proposal.
- 7.27. I consider that the design and appearance of the proposed dwelling houses would reflect the vernacular in a contemporary and attractive manner. However, the density and layout of the proposal would have an urban feel to it, which would make it more suitable to a town centre or edge of town centre site rather than the subject site, which is on the outskirts of Clonakilty. I consider, too, that the consistent specification of single storey dwelling houses could only have the effect of lessening the visual impact of the proposal. In this respect, the specification of any new build on the highest portion of the site should not be considered inevitable, i.e. it could be laid out as public open space that would capitalise on the commanding southerly views of Clonakilty Bay.
- 7.28. I conclude that the proposal would have significant and adverse landscape and visual impacts. I conclude, too, that the failure to comply with Objective CK-R-01 of the LAP has contributed to the said impacts.

**(v) Material contravention of the LAP**

- 7.29. The applicant acknowledges that the proposal would materially contravene Objective CK-R-01 of the LAP. It requests that the Board exercise its powers under Section 37(2)(b) of the Planning and Development Act, 2000 – 2020, to nevertheless grant permission on the grounds that the site is of strategic importance as “Clonakilty is the largest settlement in West Cork and zoned sites such as this site need to be delivered if the Town is to meet the population targets set out in aforementioned policies and objectives.”
- 7.30. The applicant has cited ground (i) of the aforementioned Section, which states “the proposed development is of strategic or national importance”. Clearly, the proposal is

not of national importance or of strategic importance within a national context. However, the question arises as to whether it is of strategic importance to the development of Clonakilty and the achievement of its population targets, e.g. the LAP cites 7218 for 2022?

- 7.31. I note from Map 3B of the TDP that there was 42.325 hectares of land zoned for residential development within the then Town Council boundary in 2009 and a further 47.285 hectares in the environs. I note, too from the LAP that the former figure was cited again in 2017 as part of an overall figure of c. 93 hectares of land zoned for new residential development. The main constraint on development would appear to be the awaited completion of the Dunmanway Regional Water Supply Scheme.
- 7.32. I acknowledge that the site is zoned for residential development and that it extends over an area of 2.6 hectares. Thus, I consider that the size of the site is such that it cannot be considered of strategic importance to Clonakilty. Furthermore, in the light of my assessment thus far, there are visual amenity issues with the current proposal that may be capable of being overcome if Objective CK-R-01 of the LAP were to be complied with. Thus, the proposal's non-compliance goes beyond a simple failure to comply with the LAP. I, therefore, do not consider that the Board should exercise its discretion under Section 37(2)(b)(i) of the Act in favour of the proposal. I have also read the other grounds under this Section and I consider that they do not provide a basis upon which such discretion should be exercised either.
- 7.33. I conclude that a departure from the single storey requirement of Objective CK-R-01 of the LAP would not be warranted under Section 37(2)(b) of the Act.

#### **(vi) Residential amenity**

- 7.34. Observers draw attention to the scale and character of the proposal, and they raise objection to it on the basis that these attributes would lead to a change in the ambience of the locality. Those residing close to the site also raise objection on the basis that their residential properties would be overlooked and views presently enjoyed would be encroached upon.
- 7.35. I recognise that with the zoning of the site comes an inevitable change in the ambience of the area. Given this prospect, I consider that the single storey requirement of Objective CK-R-01 would ameliorate this change somewhat and so it should have been pursued in the design approach adopted. Likewise, the inclusion

of frontage development to McCurtain Hill could have been foregone in favour of more extensive landscaping to screen the new build beyond.

- 7.36. With respect to the more specific amenity concerns cited, the proposal would reflect the standard suburban separation distances designed to safeguard neighbour privacy and, in the absence of views protected by the CDP/LAP, encroachment on existing views is not a sustainable ground of objection for planning purposes.
- 7.37. I conclude that, whereas the proposal would be compatible with neighbour privacy and outlook, more could be done to ameliorate its impact upon the ambience of the locality.

### **(vii) Conservation**

- 7.38. Under FI, the applicant submitted a Hedgerow Appraisal, which identified and assessed the significance of each of 4 hedgerows on the site. This Appraisal was undertaken prior to recent vandalism on the site, which has resulted in the removal of the hedgerows denoted as Nos. 1 and 2 and damage to the hedgerows denoted as Nos. 3 and 4. The applicant advises that this matter has been reported to the Gardai.
- 7.39. The Appraisal states that each of these hedgerows was included in the 1<sup>st</sup> Edition of the Ordnance Survey's mapping of the locality, wherein they were shown as field boundaries. Hedgerow No. 4, along the southern boundary of the site, is of heightened significance in this respect, as it also denoted a townland boundary.
- 7.40. The Appraisal also states that Hedgerows Nos. 3 and 4 are in unfavourable condition, the former due to a lack of structure and continuity and the presence of negative factors and the latter due to a lack of continuity.
- 7.41. Under the applicant's landscaping scheme, the aforementioned surviving hedgerows are depicted on the revised landscaping plan and they are shown indicatively as being augmented by additional planting on a plan entitled "Boundary Treatment", i.e. typical boundary treatment section type BT03. Given the damage that has ensued to Hedgerows Nos. 3 and 4, the baseline landscaping plan and the proposed augmentation of these hedgerows would need to be revisited to ensure that detailed proposals would be appropriate.

- 7.42. The Appraisal comments briefly on protected species and invasive species to the effect that no issues arise in these respects.
- 7.43. I conclude that, subject to an update on Hedgerows Nos. 3 and 4 and proposals commensurate with their existing condition, the proposal would raise no conservation issues.

#### **(viii) Archaeology**

- 7.44. The applicant has submitted an Archaeological Assessment of the site, which concludes that there are no recorded archaeological sites within it. This Assessment draws attention to the proximity of two ringforts to the south of the site, i.e. recorded monuments ref. nos. CO135-020/021, and to a previously unrecognised standing stone, which lies just outside the most north westerly corner of the site. It recommends that a buffer zone with a 20m radius be established around this stone. This zone would overlap with a portion of the site that would be laid out to provide gardens and the affected stretch of new site boundary would entail the erection of a galvanised wire fence and hedgerow planting.
- 7.45. The County Archaeologist advised that a geophysical survey of the site should be undertaken at the pre-decision stage. The applicant declined to do this and instead invited a condition precedent in this respect. The County Archaeologist has advised that this approach would risk the need to subsequently alter the layout of the site.
- 7.46. I conclude that the site is not the subject of any known archaeological remains. Given the prevalence of such remains in the locality, a pre-decision geophysical survey would have been desirable and, in its absence, such a survey should be undertaken pre-development on the basis that it may necessitate alteration in the proposed layout of the site.

#### **(ix) Traffic, access, and parking**

- 7.47. The revised proposal is for 55 dwelling houses. Traffic generated was the subject of a Traffic and Transport Assessment (TTA) submitted by the applicant. This TTA selects the junction on the N71 at Shannonvale for examination. To ensure a robust assessment of this junction, the TTA assumes that all the traffic generated by the proposal during the am and pm peaks would use it. A baseline survey of the junction was undertaken on Tuesday 22<sup>nd</sup> October 2019. The maximum RFC was thus calculated to be 0.29 during the am peak and 0.61 during the pm peak. The RFC is

projected to continue to be below 0.85 until the Design Year 2037, when under a “without development” scenario it would be 0.86 during the pm peak and under a “with development” scenario it would be 0.89.

- 7.48. Returning to the aforementioned assumption, observers’ emphasis that the more relevant junction on the N71 is at Ballinascarty, to the north of Shannonvale. They also emphasis the likelihood that traffic would to and fro between Clonakilty during the am and pm peaks and so the nearest town centre junctions should have been assessed.
- 7.49. The applicant has not explained its choice of the Shannonvale junction. As the nearest junction on the N71 to the site, it may simply have been the obvious one to assess. I note that the advice of the PA’s Traffic and Transport consultee supports the contention of the observers that the Ballinascarty junction is the subject of greater use. During my site, I used both junctions and I formed the impression that the latter, as the shorter and more direct route, may indeed be the preferred one for commuters. I note, too, that the significant difference between the RFC recorded during the am and pm peaks suggests that outward bound trips in the morning may well be via Clonakilty. Accordingly, while I do not consider that objection to the proposal would be warranted with respect to the Shannonvale junction, assessments of the Ballinascarty and nearest town centre junctions are outstanding and so I am not in a position to conclude that the traffic implications of the proposal would be consistent with the satisfactory management of the existing road network. In this respect, the TTA outlines new road options for Clonakilty that would relieve pressure on the existing network. However, as none of these options have yet been selected to be taken forward to the project stage, it would be premature to factored them in to current considerations.
- 7.50. The proposal would entail the construction of an access off McCurtain Hill, the L-4031-12, to the site. This local road is the subject of a 60 kmph speed limit. The proposed access would be accompanied by sightlines with x and y dimensions of 2.4m and 65m. DMURS requirements in this respect would thereby be met.
- 7.51. On-site access arrangements were the subject of amendment under FI to ensure that the proposed spine road would be the subject of a greater degree of traffic calming, along with accompanying cul-de-sacs and home zones. In keeping with the

home zone concept, all parking would be provided on-street. In this respect 111 spaces would be provided, which approximates to 2 spaces per dwelling house, which accords with CDP standards.

7.52. I conclude that the applicant has yet to demonstrate that traffic generated by the proposal would be capable of being accommodated on the public road network. I conclude, too, that the proposed access to the site and on-site access and car parking arrangements would be satisfactory.

#### **(x) Pedestrian facilities**

7.53. The SRDUA Guidelines address sustainable travel patterns. They comment with respect to small towns that, where public transport is absent, “the emphasis should be on the appropriate location of residential development within the DP/LAP minimising the need for car journeys and by encouraging through design, walking and cycling.” This message is reiterated under the heading “provide for effective connectivity”: “Especially by pedestrians and cyclists so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car.”

7.54. Objective HOU 3-1(c) of the CDP states “Following the approach in chapter 10 of this plan, ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that the works required to give effect to this objective are identified early in the planning process to ensure such infrastructure is delivered in tandem with the occupation.” Chapter 10 addresses walking and cycling. Thus, Objective TM 2-1(c) states “Ensure that all development should be accessible and permeable on foot and that walking experience should be as safe and pleasant as possible and set within an overall coherent network” and Objective TM 2-2(c) states “Ensure that development in urban areas, towns and villages is well located, permeable and prioritises walking, cycling and access to public transport and other important amenities.”

7.55. The site is located on McCurtain Hill, a local road that runs north from Clonakilty, the town centre of which is c. 1 km away. This road is of challenging horizontal and vertical alignment and so in places forward visibility is limited. It is accompanied by an intermittent public footpath. No dedicated cycle facilities exist.

- 7.56. Observers are particularly concerned over the lack of a continuous public footpath. The PA raised this issue with the applicant under FI. As the existing stretches of public footpath are on the eastern side of the local road and as there is virtually no verge on this side of the road, the provision of a continuous public footpath would inevitably entail the acquisition of strips of land from frontage properties. The applicant thus attempted to contact the four property owners along the upper portion of McCurtain Hill. Only two expressed interest. In these circumstances, the applicant is strongly of the view that the LA is uniquely placed to advance this matter and so the applicant should only be expected to contribute to the funding of the needed provision by means of a special contribution.
- 7.57. As an interim measure, Figure 10 of the applicant's grounds of appeal shows a hybrid scheme, wherein an additional stretch of public footpath would be provided, in conjunction with the creation of carriageway pinch points by means of build out kerbs.
- 7.58. I am concerned that the said hybrid scheme would fail to provide a continuous public footpath and that the traffic calming measures would complicate further what is a difficult stretch of road for drivers to negotiate safely.
- 7.59. I have some sympathy for the applicant: Clearly the LA needs to be proactive in ensuring that the provision of a public footpath is feasible, if the zoning objective of the site is to be fulfilled in a manner consistent with the above cited national advice and CDP Objectives. That said, the underlying issue is that a continuous public footpath is needed in advance of the proposal being occupied. At present there is no prospect of that happening and so objection is warranted.
- 7.60. The applicant has drawn attention to cases wherein permission was granted in the absence of a continuous public footpath to the site concerned. The first of these cases did however entail the making of a special contribution at the LA's instigation and the fourth was an example of a site with a proposed pedestrian link within it to a public footpath to the south. The second and third cases illustrate the applicant's contention. However, I am not persuaded that the circumstances "on the ground" are entirely comparable. Again, I am especially conscious of the challenging nature of McCurtain Hill to road users and how the proposal is intentionally designed to be attractive to households with children.

7.61. I conclude that the proposal is premature in advance of the provision of a continuous public footpath between the functioning town to the south and the site.

**(xi) Water**

7.62. The proposal would be served by the public water mains and by the public foul water sewer. New connections to these utilities in the adjoining L-4031-12 would be laid. Irish Water has raised no objection in these respects. On-site foul water drainage arrangements would entail the incorporation of a pumping station and an associated vent stack. The applicant advises that the siting of this station and the height of this stack would comply with the separation distances from dwelling houses and an adjacent play area that Irish Water require.

7.63. The proposal would be served by an on-site surface water drainage system, which would incorporate SuDS methodologies. Thus, the majority of the proposed dwelling houses would be served by their own infiltration trenches within rear gardens and, elsewhere, swales, rain gardens/bio-retention areas, and, ultimately, two soakaways under play areas, one sited towards the centre of the southern boundary of the site and one sited in the SE corner, would be laid out and provided.

7.64. The applicant has dug trial holes and undertaken infiltration tests to ascertain the permeability of ground conditions. It has also sized the proposed surface water drainage system to ensure that it would be capable of handling 1 in 100-year storms plus a 10% allowance for climate change. In this respect, under the OPW's flood information maps, the site is not shown as being the subject of any identified flood risk.

7.65. Observers express particular concern over the risk of surface water run-off from the site onto McCurtain Hill. The applicant has responded to this concern by advising that two gullies would be laid along the site entrance to ensure that such run-off is intercepted and the volume of the same has been allowed for in the calculations underpinning the proposed on-site surface water drainage system.

7.66. The applicant has also addressed how surface water run-off would be handled during the construction phase in its Outline Construction Environmental Management Plan and in FI with respect to the utilisation of standard construction site methodologies in this respect.

7.67. I conclude that the proposal would be capable of being supplied by water and drained on a satisfactory basis.

#### **(xii) Screening for Stage 1 AA**

7.68. The applicant has submitted a Screening for Appropriate Assessment (AA), which I have drawn upon in undertaking my own Stage 1 Screening for AA. I have also drawn upon the NPWS's website.

7.69. The site is not in a Natura 2000 site. The nearest such sites are Clonakilty Bay SAC (000091) and Clonakilty Bay SPA (004081), both of which are 0.94 km away and to the south of the site. I am not aware of any source/pathway/receptor route between this site and the said Natura 2000 sites or to other Natura 2000 sites that are at a greater distance away from it. Thus, in the absence of connectivity between the site and any Natura 2000 site, I consider that it is unlikely that any significant effects from the proposal would arise upon the Conservation Objectives of nearby and more distant Natura 2000 sites.

7.70. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to make a screening determination, that the proposal, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 000091 and 004081, or any other European site, in view of the Sites' Conservation Objectives, and a Stage 2 Appropriate Assessment ( and submission of a NIS) is not therefore required.

7.71. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potential harmful effects on the projects on any European sites.

### **8.0 Recommendation**

8.1. That permission be refused.

### **9.0 Reasons and Considerations**

1. Having regard to the Sustainable Residential Development in Urban Areas Guidelines, Objective HOU 3-1(c) of the Cork County Development Plan 2014 – 2020, and the intermittent nature of the existing public footpath on McCurtain Hill, the local road to the site from Clonakilty, the Board considers that the proposed

residential development, which would be of particular attraction to households with children, would be premature in advance of a scheme for the provision of a continuous public footpath along McCurtain Hill. Thus, to accede to this development would be contrary to the aforementioned Guidelines and Development Plan Objective, and it would result in an increase in vulnerable road users on the local road with the attendant hazard and risk to public safety posed thereby. The proposal would thus be contrary to the proper planning and sustainable development of the area.

2. Having regard to, under the Cork County Development Plan 2014 – 2020, the location of the site within Landscape Character Type 3, Indented Estuarine Coast, and its elevation and visibility from designated and non-designated scenic routes to the south, and, under Objective CK-R-01 of the West Cork Municipal District Local Area Plan 2017, its specification for single storey dwelling houses only, the Board considers that the proposed residential development would, due to its scale, elongated form on the skyline and consistency of character, be unduly prominent within a landscape of national importance and thus seriously injurious to the visual amenities of the area. Furthermore, the failure to specify only single storey dwelling houses contributes directly to the said prominence and adverse impact upon visual amenity and it materially contravenes the said Objective of the Local Area Plan. The proposal would thus be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

25<sup>th</sup> August 2020