



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-307373-20

Strategic Housing Development	162 no. residential units (74 no. houses, 88 no. apartments), crèche and associated site works.
Location	Banduff Road, Banduff, Mayfield, Cork
Planning Authority	Cork City Council
Applicant	Miata Limited
Prescribed Bodies	Transport Infrastructure Ireland Irish Water National Transport Authority Cork City/County Childcare Committee
Observer(s)	Alan and Martina Meade

• Alice Mc Alister
• Anthony and Jennifer Sheehan
• Avril and Stephen Devine
• Catherine Hurley
• Christina Crolin
• Colette and Thomas Kelly
• Daniel Walsh
• David White
• Denis and Bernie McCarthy
• Donal O'Mahony
• Eileen and John O'Connor
• Ena O'Flynn
• Helen Doyle
• Irish Water
• Jennifer Ahern
• Joan and Donal O'Leary
• John Foley
• Marcella Feagan
• Marie Doocey
• Mary Hurley
• Mary O'Leary
• Maureen Lanaster
• Michael Loring
• Michael Scanlon

Mr and Mrs John Hurley
National Transport Authority
Nuala and Willie Bennett
Oliver Moran
Patrick Mercia Lynch
Sean and Trish O'Sullivan
Ted Tynan
Timmy and Catherine Allen
Timothy Donovan
Transport Infrastructure Ireland
Valerie Foley

Date of Site Inspection September 15th 2020

Inspector Lorraine Dockery

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of 7.48 hectares, is located in the northern environs of Cork city, approximately 4km from the city centre. It is located within an area identified as the Ballyvolane Urban Expansion Area (UEA) in the Cobh Municipal District Local Area Plan 2017. This UEA extends to 260 hectares approximately. The general area of Ballyvolane is a largely residential area adjoining the northeast of Cork city. There is an existing retail core located at the Fox and Hounds junction, a short distance to the west of the subject site. It is acknowledged in the Cobh Municipal District Local Area Plan that Ballyvolane has the potential to create the critical mass to support improved public transport and services provision, set within the wider Cork Area Strategic Plan context. Some residential development is under construction to the north of Banduff Road.
- 2.2. The element of the site where the residential development is proposed (to the north of the Glen River) has been subject to historical infilling of inert material. The site is characterised by scrub, gorse and some woodland. There are some trees located the northern boundary, adjoining Banduff Road. The site is largely inaccessible although some informal paths were noted through it, accessed mainly through breakages in the existing fencing. There were horses grazing on the lands at the time of my site visit. Some littering/dumping was evident and in its current form, the site adds little to the streetscape of Banduff Road at this location. The site has vehicular access onto the Banduff Road (L3000) to the north while the Northern Ring Road (R635) runs along the southern boundary. A number of bus stops were evident along the Northern Ring Road.

3.0 Proposed Strategic Housing Development

3.1. In summary, the proposal as per the submitted public notices, comprises the construction of 162 residential units, a crèche, pedestrian and cycle access including 2 no. pedestrian bridges over the Glen River, amenity paths, landscaping and all associated site works. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	7.48 hectares (developable area 4.3ha)
No. of residential units	74 houses 88 apartments
Other Works	Crèche facility-440.8m ² 2 pedestrian bridges over Glen River Amenity paths and landscaping
Density	38.4 units/ha (based on area of 4.3 ha)
Open Space provision	13% stated
Height	2-3 storeys
Part V	16 units (10 in Phase 1 and 6 in Phase 2) (8 x 2 bed units; 8 x 3 bed units)
Parking	Car- 224 spaces Bicycle- 142 spaces
Access	Via 2 shared vehicular and shared pedestrian entrances from Banduff Road 6 additional pedestrian accesses from Banduff Road are also proposed

Table 2: Unit Mix

	1 bed unit	2 bed unit	3 bed unit	4 bed unit	Total
Houses	-	19	49	6	74
Apartments	6	82	-	-	88
Total	6	101	49	6	162

- 3.2. In term of site services, the proposal will provide for new connections to the public infrastructure. Documentation from Irish Water has been submitted with the application. An Irish Water Pre-Connection Enquiry was submitted with the application, as required. The CoF (dated 25/06/2018) states that subject a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated. It continues by stating that it will be necessary to carry out further detailed studies and/or investigations to confirm available capacity and to determine full extent of any upgrades that may be required. Should the applicant wish to have such studies and/or investigations progressed by IW, they were advised of need to enter into Project Works Services Agreement. IW will also require that applicant contribute a relevant portion of the cost of works to achieve such upgrades. Further correspondence from IW (dated 14/06/2019) to the applicant states that further clarification is now that the applicant will not be required to enter into Project Works Services Agreement, as IW currently has a project in place which is currently at detailed design stage, which includes the construction of a pump station in the Ballyvolane area. It further confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the IW networks can be facilitated. A Design Submission from Irish Water (dated 27/02/2020) has also been submitted, which states that based on the information provided, Irish Water has no objection to the proposal.
- 3.3. Lands at the southern end of the site are stated to be in the ownership of Cork City Council and a letter of consent has been submitted with the application, giving consent to the applicant to make proposals for amenity walks over the said lands and two bridge points across the Glen River.

4.0 Planning History

87/2324

Refers to the grant of planning permission for use of site for landfill

02/5920 (ABP Ref. PL.04.202267)

Permission REFUSED for residential development of 40 dwelling houses. The reasons for refusal were as follows:

1. The site of the proposed development lies within the study area for the Northern Ring Road, the preferred corridor for which will be selected in the short term under the provisions of the current development plan for the area. The proposed development would, therefore, be premature pending the determination by the planning authority or the road authority of a road layout for the area.
2. The site is located in an area zoned for active open space uses, where it is an objective of the Cork County Development Plan, 2003 to develop such use and discourage other development not ancillary or complementary to the open space function. This objective is considered reasonable. The proposed development would contravene materially this development objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

Recent applications of note in vicinity:

ABP-306325-20

Permission GRANTED under SHD legislation for 753 residential units, crèche and associated site works at Lahardane, Ballyvolane, Cork.

5.0 Section 5 Pre Application Consultation

- 5.1.** A Section 5 pre application consultation took place at the offices of Cork County Council on the 15th February 2019. The joint Opinions of Cork City Council and Cork County Council Planning Authorities were issued to ABP in January 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further

consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-303299-18).

Residential Density and Housing Mix

Further consideration/justification of the documents as they relate to the proposed housing mix, quantum of development and residential density, with regard to local and national planning policy, in particular the Cobh Municipal District Local Area Plan 2017; the Cork County Development Plan 2014-2020; the Cork City Development Plan 2015-2021; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); the 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018). It may be considered reasonable to exclude the area of the site south of the Glen River in the density calculations. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

Vehicular, Pedestrian and Cycle Connectivity

Further consideration/justification of the documents as they relate to vehicular, pedestrian and cycle connectivity between the development site and the North Ring Road R365, the Banduff Road and adjoining residential areas, in the context of the Cobh Municipal District Local Area Plan 2017; the Cork County Development Plan 2014-2020; the Cork City Development Plan 2015-2021 and the upcoming Cork Metropolitan Area Transport Strategy (CMATS). The prospective applicant should address the following issues:

1. Achievement of LAP site specific roads objective NE-U-06;
2. Strategic role of the road connection in the context of LAP policy and CMATS;
3. The provision of adequate space within the development site to achieve a satisfactory vehicular, pedestrian and cycle connection between the Banduff Road and the North Ring Road;
4. Layout and capacity of proposed junctions with Banduff Road and North Ring Road;
5. Provision of pedestrian and cycle connections between the Banduff Road and the

North Ring Road and adjacent areas;

6. Detailed layout, topographical details and cross sections to indicate interaction with the Glen River valley, also consideration of ecological impacts;

7. All works to be delivered by the prospective applicant should be included in the red line site boundary;

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

Infrastructural Constraints

Further consideration / clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints, whether such constraints require statutory consent and / or may be subject to a compulsory purchase process and if such consent has been received or CPO completed, who is going to undertake the works required and the timelines involved in addressing these constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).

Note:

The applicant is advised that the subject site is an area that will be located within the boundary of Cork City from 2019. The applicant may wish to consider further preplanning discussions with Cork City Council under section 247 of the Planning and Development Act 2000 (as amended).

The prospective applicant was advised that the following specific information was required with any application for permission:

1. Traffic and Transport Impact Assessment (TTIA) of the development, the scope of which is to be discussed in advance with Cork City Council and Cork County Council.

2. Rationale for the proposed car parking provision with regard to development plan car parking standards, to include parking provision for the crèche.
3. Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, boundary treatments, road levels, open space levels, etc. relative to each other and relative to adjacent lands and structures. Also topographical details and cross sections to indicate the relationship between the development and the Glen River with regard to the protection of the riparian zone as required by development plan policy.
4. Comprehensive landscaping scheme for the entire site to include (i) Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site; (ii) rationale for proposed public open space provision for the housing development, to include an open space hierarchy and detailed layouts for the public open spaces; (iii) detailed proposals for the area south of the Glen River, to include its ongoing maintenance and management in the context of its designation as a High Value Landscape within the River Glen Corridor Park; ecological impacts and consideration of biodiversity enhancement measures.
5. Ecological Impact Assessment of the development with regard to the sensitive location of the site in the Glen River Valley and designation of the southern part of the site as an Area of High Landscape Value.
6. Map of areas to be taken in charge.
7. Visual Impact Assessment to include consideration of visual impacts of the proposed bridge over the Glen River and visual impacts in the Area of High Landscape Value.
8. Site Specific Flood Risk Assessment, to include consideration of downstream impacts.
9. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.

10. A Building Lifecycle Report, as per section 6.12 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
11. AA screening report.
12. Construction and Environmental Management Plan, to include a Japanese Knotweed Assessment.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

6.0 Relevant Planning Policy

National Planning Policy

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- Climate Action Plan

Other policy documents of note:

National Planning Framework

Southern Regional Assembly Regional Spatial & Economic Strategy (RSES) (Jan 2020)

- Section 7.3 Strategic Residential Growth Nodes
 - Ballyvolane Urban Expansion Area can accommodate 3,600 units,
 - UEA investment will be holistic and phased.

Cork MASP Policy Objective 9(i)

- Cork Northern Distributor Road delivering a multimodal orbital public transport route, accessing planned development lands, connecting to radial distributor roads and providing connectivity at its western end to join the existing N22.

Local Planning Policy

Until May 31st 2019, the northern portion of the site was under the jurisdiction of Cork County Council, while the southern portion was within the jurisdiction of Cork City Council. The entire subject site has since been transferred over to Cork City Council, as part of the transfer of lands. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

The Cork City Development Plan 2015-2021 and the Cork County Development Plan 2014 are the operative City/County Development Plans.

Cork County Development Plan 2014

The site is located within Metropolitan Cork, within the North City Environs at the top of the county settlement strategy, aiming to complement & consolidate the development of the city as a whole and providing enhanced potential to rebalance the City through new development in the north.

Located within 'Medium A Density' location- 20-50 units/ha, which states:

- Applicable in city suburbs, larger towns over 5,000 population and rail corridor locations (example Carrigtwohill).
- Apartment development is permissible where appropriate but there is no requirement to include an apartment element in development proposals.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/serviced sites unless otherwise specified in relevant Local Area Plan.

Objective CS 4-1- The northern environs will have a major role in rebalancing the City in terms of population and employment.

There are a number of policies and objectives relating to urban design, density, education, surface water, transport and landscape.

Landscape

The site is located within a High Value Landscape Area where the careful location, siting and design of large scale developments is required.

Cobh Municipal District Local Area Plan 2017 applies

The site is within the Cork City North Environs and part of the Ballyvolane Urban Expansion Area. There is a population target of 10,719 for Cork North Environs up to 2023 (up from 6,692 in 2011).

Site Specific Objective NE-R-13 is noted:

Medium A Density Residential development. Development of the site shall make provision for NE-U-06 and the alignment of this route shall be agreed before any development shall commence. Woodland and scrub habitat on this site shall be protected and integrated into landscape schemes, where possible.

The Site Specific Roads Objective NE-U-06, 'proposed Link Road between Ballyhooley Road and Northern Relief Road in Mayfield', is to function as an urban distributor road serving the Ballyvolane Urban Expansion Area, ultimately providing a bypass function and connecting to the Northern Ring Road.

Section 3.4.1 sets out that the vision for Cork City North Environs to 2020 is "to re-invigorate the northern suburbs of the city, within the County area, as a significant location for future residential development. This will require a planned major mixed use development at Ballyvolane coordinated with substantial infrastructure investment, the provision of enhanced community and recreational facilities and public transport accessibility, with the aim of rebalancing the provision of services more equitably throughout the city."

Section 1.7.40 sets out that with regard to the Urban Expansion Areas, which includes Ballyvolane, infrastructure programmes for these sites are being progressed with the specific aim of delivering complex public infrastructure in an environment of multiple land ownerships within the sites.

Zoning:

The developable area of the site is located to the north of the Glen River (circa 4.3 hectares). This northern portion of the site is located within the North City Environs, as designated under the Cork County Development Plan 2014 and is zoned 'Objective NE-R-13' within the Ballyvolane Urban Expansion Area. The specific objectives for this zoning under the Cork County Development Plan 2014 include:

- Medium A density (20-50 dwellings per hectare)
- Provision for NE-U-06 and the alignment of this route shall be agreed before any development shall commence
- Woodland and scrub habitat on this site shall be protected and integrated into landscape schemes, where possible
- Flood Risk Objective IN-01 of Section 1 of LAP applies*

* All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives WS6-1 and WS 6-2 as detailed in Chapter 11,

Volume1 of the Cork County Development Plan, 2014, as appropriate, and with the provisions of the Ministerial Guidelines–‘The Planning System and Flood Risk Management’. In particular, a site specific flood risk assessment will be required as described in WS 6-2.

The Glen River formerly marked the extent of the City boundary at this location. The southern portion of the site, to the south of the Glen River are zoned ‘Objective ZO14 Public Open Space under the Cork City Development Plan 2015 which seeks to ‘protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates’.

This area is designated as an Area of High Landscape Value. The riparian zone is located within Flood Zone A.

Cork Metropolitan Area Transport Strategy 2040 (CMATS)

Adopted by NTA in 2020

Sets out an integrated transport planning policy framework for Cork with supporting investment priorities. Takes its lead at national level from NPF 2040 and NDP 2018. The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which also came into effect in 2020.

Critically important infrastructure identified in CMATS includes a new distributor road on north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR), which is separate and distinct from the Cork Northern Ring Road. CNDR is a short-term objective and critical enabler for CMATS as set out within the Strategy. It is also specifically identified and listed within the objectives of the RSES for the Southern Region and Cork Metropolitan Area Strategy Plan 2020. The CNDR will deliver a multimodal orbital public transport route from the Carrigrohane Road in the western suburbs to Tinkers Cross in the NE of the city. The road will provide access to radial public transport routes, enable access to planned development lands, provide improved connectivity to the broader road network and enable the removal of traffic from Cork city centre.

7.0 Observer Submissions

7.1. In total, 36 submissions were received. Two of these were received from Elected Representatives, while the majority of the remaining submissions were received from local residents. The issues raised may be broadly summarised as follows with reference made to more pertinent issues within the main assessment:

- Traffic and transport- indicative route proposed for Northern Distributor Road is less satisfactory in how it links with existing Northern Ring Road than that outlined in LAP and CMATS. Proposal should be refused until detailed route mapping for the Northern Distributor Road has been completed and agreed by Cork City Council and relevant national bodies; prematurity; traffic congestion; traffic safety
- Flooding- part of site along Glen River is in Flood Zone A; full FRA required; flooding on Banduff Road; Blackpool Flood Relief schemes notes extensive history of flooding in Blackpool, with source being Glen River; impacts on Brookvale estate
- Biodiversity- impacts within Glen River corridor/valley; impacts on endangered species; bats; trees; otters; habitats and species; topography; nesting birds; pollution of Glen River; loss of riparian woodland; loss of green spaces
- Cumulative impacts on environment of recently permitted development in area
- Material contravention of City Development Plan 2015 due to impacts on ecology
- Residential amenity- impacts on privacy; noise/disruption during construction works; overlooking; overshadowing; loss of light
- Visual impacts on
 - Glen Amenity Park; high landscape value area
 - Banduff area
 - Impacts on character of the area
- Other matters- need for independent reports; anti-social behaviour at proposed bridges; waste; previous refusals of permission in vicinity of site; lack of public amenities; impact on nearby Cara School; greenhouse gas

emissions; increase in vermin; existing vacancy rates; possible contaminated land- previous use as landfill; health and safety; presence of asbestos

8.0 Planning Authority Submission

- 8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 17th August 2020. An addendum report was received on 01st September 2020. The reports may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the history, legislative documents; planning history; prescribed bodies/third party submissions; planning assessment & key considerations; applicant's response to ABP and internal reports summary. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Planning Policy/Strategic Economic Division: Broadly acceptable

Housing Report, Part V: Proposal acceptable, subject to agreement

Environment Report: Conditions recommended; contents of Outline CEMP and SWMP are insufficient

Area Engineer's Report: No objections, subject to conditions; some concerns raised in relation to surface water and flooding

Drainage Report: Some concerns raised in relation to stormwater and flooding

Traffic and Transportation: Lack of clarity/sufficient detail in TTA, Road Safety Audit, sustainable travel strategy, MMP and outline CTMP

Parks Department: No objections, subject to conditions

Infrastructure Development: Concerns raised in relation to one of CMATS key recommendations, namely proposed new Cork Northern Distributor Road. Potential to have significant adverse effects on the provision of the CNDR. Development of proposed site is premature until route is confirmed in 2021. Recommends that permission be refused.

City Architect's Report: In favour of the proposal from an urban design and architectural view point; welcome addition to NE part of the city

City Archaeologist: No objections, subject to conditions

Chief Fire Officer: Conditions attached

A detailed report has been received, which will be referred to throughout my assessment. The assessment concludes that the planning authority is of the opinion that the proposed SHD development, would, generally be consistent with the relevant objectives of the Cork City Development Plan 2015 as well as the ambitions set out in the NPF and Rebuilding Ireland.

However, the PA notes the report and recommendations of the Infrastructure Development Directorate which recommends that planning permission be refused for the SHD for the reason that the application is premature. The proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy.

While in principle the PA supports the development of the site, until the route of the Northern Distributor Road is approved, the proposal is considered to be premature.

Recommended conditions attached

The report includes a summary of the views of relevant Elected Members, as expressed at a meeting held on 04/08/2020 in City Hall offices. These are broadly summarised below:

- Provision of pedestrian bridge and provision of road on lands zoned for open space was material contravention
- Downstream flooding issues; increased risk of flooding
- Development within Glen River Valley and impacts on biodiversity; loss of green spaces

- Transport concerns, particularly indicative road layout; existing roads not fit for development; unsafe and inadequate; proposal premature pending detailed mapping of Northern Distributor Road
- Residential mix lead to transient population/renting- did not create sustainable communities
- Payment of special development contribution; provision of community facility
- Previous refusals of development in vicinity
- Some members expressed support for proposal in terms of provision of housing and new alignment would have minimal impacts on biodiversity

As stated above, an addendum submission was received from the PA on 01st September 2020. This addendum includes a report from TII (dated 31/08/2020) and NTA (dated 31/08/2020). It sets out detailed, informative background information on Cork Metropolitan Area Transport Strategy 2040 (CMATS), adopted by the NTA in 2020. It also sets out details in relation to the provision of the CNDR and its current status. It reiterates that CMATS sets out an indicative route for the proposed CNDR and that this indicative route, as far as it concerns the subject application, is broadly similar to that set out in the Cobh MD LAP 2017, crossing the site of the proposed SHD in a NW direction from Tinkers Cross towards Lower Dublin Hill. CMATS envisages rapid progress on the development of the CNDR in the short term and in order to advance this, the NTA is providing grant funding to Cork City Council in 2020 and 2021 for the route assessment and selection process. This will enable a prompt determination of the detailed route alignment for the CNDR. The route selection is being progressed at present with the imminent appointment of design consultants with route assessment and selection to follow thereafter.

The addendum continues by stating that the proposed SHD development is in conflict with the indicative route of the CNDR as set out in CMATS and the similar road line set out in the Cobh MD LAP 2017. It has the potential to have significant adverse effects on the objective to deliver the CNDR. Considers that the current

SHD application is premature pending confirmation of the route alignment of the CNDR. This view is further supported by the NTA's accompanying letter.

The addendum also highlights that unlike the Cork Northern Ring Road, the proposed CNDR is not a proposed national road and as such does not come under the remit of TII. Their role has been confirmed in an accompanying letter. TII has no direct role in the design and/or delivery of the CNDR, hence they are not in a position to comment on the appropriate route of the CNDR or related conflicts arising. TII is responsible for national roads and interurban motorways, the nearest of which are approximately 1.75km (N25) and 4.5km (M8). The subject SHD is bound by roads which are managed and maintained by Cork City Council.

The City Council therefore requests that ABP disregard any unintended inference that may arise from their previous report, whereby TII's submission of 06th July 2020 may have been described as a counterpoint or contrasting view to that set out by the Council's Infrastructure Development Directorate and the recommendation of the Council. The City Council does not interpret or present the comments of TII as endorsing, subject to conditions, or otherwise any particular route for the CNDR, let alone the alignment proposed within the current planning application. The Council's report should not be read as suggesting that the absence of comment/objection from TII to the proposed routing of the section of the proposed CNDR across the site covered by the application as being indicative as expressing any view whatsoever on the appropriate routing of the CNDR.

The City Council recommends that permissions be refused for the reasons previously stated, namely the application is premature. The proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy. Pending determination of the route of the CNDR, the proposal is considered to be premature.

The accompanying report from the TII observes that the proposal is located in proximity of the CNDR. TII advises that the CNDR is not a national road scheme and therefore recommends that ABP consult with Cork City Council and NTA in

considering this application.

The accompanying report from the NTA reiterates many of the points outlined in the addendum report of the PA. It further states that the programme for the completion of the route assessment and selection process will be circa 12 months, enabling prompt determination of the detailed route alignment. It is the NTA's view that the future development of lands in the vicinity of the CNDR's indicative route, including the site of the subject SHD, would be best informed by the outcome of the CNDR route assessment process, to be completed by 2021. The prior determination of internal site layouts, access arrangements and provision for strategic road objectives is liable to prejudice the outcome of the CNDR's route selection process and the identification of an optimal route alignment in relation to the CNDR's supporting objectives as set out in CMATS.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Cork City/County Council Childcare Committee

Three notified bodies have responded and the following is a brief summary of the points raised in their submissions. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Has issued the applicant a CoF in 2019 for 164 residential units. States that in order to facilitate connection(s) to IW infrastructure upgrade works are required to free up capacity in the existing foul sewer network in the area. The delivery of a new wastewater pumping station (PS) in the Ballyhooley Road area will increase capacity in the local sewer which will serve this development. Planning permission for the proposed pumping station has been granted by ABP. Whilst the land for this pumping station is not yet in IW ownership it is intended that ownership of the site

will be transferred to IW by agreement. Recommends conditions, in the event of a grant of permission, relating to commencement of construction and occupation of units dependent on commencement, commission and transfer of Ballyhooley Road pumping station. In addition, the applicant be required to sign a connection agreement with Irish Water prior to any works commencing and adhere to standards and codes set out in that agreement.

Transport Infrastructure Ireland

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- Proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations should be incorporated as conditions on the permission, if granted. Any additional works required as a result of the Traffic Assessment and Road Safety Audits should be funded by the developer

National Transport Authority (NTA)

Sets out detailed information in relation to CMATS and proposals contained therein.

CMATS sets out an indicative route for the proposed Cork Northern Distributor Road. This indicative route, in so far as it relates to the subject site of the proposed SHD is broadly similar to that set out in the Cobh MD Local Area Plan of 2017. However, CMATS states that “Further assessment of the final alignment will be needed ...” and in this regard an “Appraisal” of the NDR is included in CMATS Implementation Plan, to be undertaken in the short term.

The NTA is providing funding to Cork City Council for the purposes of identifying a preferred route for the CNDR. It is the NTA’s understanding that the appointment of a design team is currently being progressed by Cork City Council and that the programme for the completion of the route assessment and selection process will be c.12 months, enabling prompt determination of the detailed route alignment.

It is the NTA's view that the future development of lands in the vicinity of the CNDR's indicative route, including the site of the subject SHD, would be best informed by the outcome of the CNDR route assessment process, to be completed by 2021. The prior determination of internal site layouts, access arrangements and provision for strategic road objectives is liable to prejudice the outcome of the CNDR's route selection process and the identification of an optimal route alignment in relation to the CNDR's supporting objectives as set out in CMATS.

10.0 Assessment

10.0.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Cork City Development Plan 2015; Cork County Development Plan 2014; Cobh Municipal District LAP 2017; relevant section 28 Ministerial guidelines; National Planning Framework; Cork Metropolitan Area Transport Strategy; provisions of the Planning Acts, as amended and associated Regulations and nearby designated sites. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle and Quantum of Proposed Development
- Urban Design/Density/Unit Mix/Materials
- Open Space/Tree Loss/Impacts on Glen River Corridor/Biodiversity
- Visual and Residential Amenity
- Traffic and Transportation
- Drainage and Flood Risk
- Other Matters
- Screening for Environmental Impact Assessment
- Appropriate Assessment Screening

10.1. Principle and Quantum of Proposed Development

- 10.1.1. Having regard to the nature and scale of development proposed, namely an application for 162 no. residential units, together with a crèche facility, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Part of the site, namely lands to the south of the Glen River, are zoned '2014 Public Open Space' under the Cork City Development Plan 2015 and are identified as an 'Area of High Landscape Value'. However, it is noted that no residential development is proposed on this area.
- 10.1.2. The northern end of the site where development is proposed is zoned NE-R-13 within the Ballyvolane Urban Expansion Area. The specific objectives for this zoning under the Cork County Development Plan 2014 include:
- Medium A density (20-50 dwellings per hectare)
 - Provision for the NE-U-06 and the alignment of this route shall be agreed before any development shall commence
 - Woodland and scrub habitat on this site shall be protected and integrated into landscape schemes, where possible
 - Flood Risk Objective IN-01 of Section 1 of LAP applies
- 10.1.3. In order to avoid repetition, I shall deal with each of the above points throughout my assessment and refer back to this section. In summary, however, I am of the opinion that the proposal is generally consistent with the above zoning objective for the site, with the exception of the 'provision for the NE-U-06 and the alignment of this route shall be agreed before any development shall commence'.
- 10.1.4. The attention of the Board is drawn to the fact that the proposed layout for the Cork Northern Distributor Road, at the western end of the site crosses an area zoned 'Public Open Space' in the Cork City Development Plan 2015. This land is in local authority ownership. It is noted that some of the third party submissions received contend that this is a material contravention of the operative Development Plan. I draw the attention of the Board that it is not the intention of the applicant to build upon these open space zoned lands at the current time but rather to set them aside

so as to allow sufficient land to realise the Northern Distributor Road alignment. The planning authority in their report notes that no issue was raised by the Planning Policy Division in respect of contravention of Development Plan policy in this regard. As no road is being proposed on this element of the site at this time, this issue is outside the remit of this current application. I can only assess the proposal before me. In any event, should a road be constructed in that location, it would require a separate planning application and/or Development Plan review for its construction and would be assessed accordingly at that time.

10.1.5. This is a zoned, serviced site within the built-up, urban area of Cork, approximately 4km from the city centre. It is located within an area that has been identified as part of the future expansion of Cork city, in close proximity to a number of major employers. The site forms part of the designated Ballyvolane Urban Expansion Area (UEA) in the Cobh Municipal District LAP. The total area of the UEA is 260 hectares, this site comprises 7.48 hectares of that. Ballyvolane has been identified as a primary location for the delivery of additional growth within the north environs of Cork city. The proposal will result in an intensification of use, over and above what is currently on the lands. However, I consider that the site has the capacity to accommodate a development of the nature and scale proposed. The site is currently undeveloped, has experienced dumping in the past and in its current form adds very little to the amenity of the area. In my opinion, the proposal would be a positive addition to the area. The site is served with public transport links, although it is recognised that improvements would be welcome and are planned- it is noted that there are proposals for improved public transport system for the Ballyvolane area, including BusConnects, together with enhanced facilities for pedestrians, cyclists and public transport users. Some of the third party submissions received refer to existing levels of vacancy in the area and question the need for additional residential units. I would address this by stating that there is an acknowledged need for additional residential units within each of the cities, as set out in national guidelines. The proposal, if permitted, would aid in addressing this acknowledged need, providing additional, quality development at an appropriate location.

10.1.6. Given all of the above, I am of the opinion that given its zoning, the delivery of residential development on this prime site, in a compact form would be consistent with policies and intended outcomes of current Government policy and with local

policy. The proposed development will increase residential accommodation and will enhance existing recreational amenity space provision. I therefore consider the proposal to provide residential development on these lands to be acceptable in principle. However, notwithstanding this, I do note that the development of these lands requires NE-U-06 agreement in relation to road alignment and this matter is dealt with below.

10.2. Urban Design/ Density/Unit Mix/Materials

Urban Design

- 10.2.1. The proposal provides for 162 no. residential units (74 houses and 88 apartments), together with a crèche facility. To the north, two vehicular/pedestrian/cyclist access points, together with 6 additional pedestrian accesses provide access to the site, while to the south, pedestrian and cycle facilities are proposed to the North Ring Road, through city council lands that have a linear park objective in the operative Development Plan. Essentially, the Glen River divides the site in two. The northern element of the site, which is relatively level and has direct access onto Banduff Road is most suitable for development whereas the southern area is proposed as parkland, with connections through via two proposed pedestrian bridges. I am generally satisfied that the proposal, if permitted would be a positive addition to the community at this location. A Planning and Design Statement has been submitted with the application, which addresses matters such as concept development, layout design and architectural approach. I am generally satisfied with the information contained therein. The height of the proposal at two-three stories is considered acceptable and I would concur with the City Architect's report when it states that the height proposed responds well to the site's sensitivity, 'Area of High Landscape Value' designation. I would also concur that the development has the potential to act as a regenerative catalyst for the area, similar to the Lahardane lands SHD at Ballyhooley Road.
- 10.2.2. I would concur with the opinion of the planning authority when they state that the layout of the scheme has been informed by the existing site context, with the predominant factor being the challenging undulating topography. The Glen River is another challenge to be addressed, together with the issue of the road alignment. Notwithstanding this, I would draw the attention of the Board to the fact that I am not

entirely satisfied with the layout in that it appears to me, that the northern element of the site is quite car dominated with extensive on-street parking evident. This is particularly evident surrounding the crèche and the central areas of open space. While I don't have issue with the quantum of car parking spaces proposed, I do consider that these areas could have been rationalised better. In addition, parking impinges on many of the areas of public spaces, which has the potential to detract from their amenity. This is something that could be addressed in any future application on the lands.

10.2.3. At the present moment, permeability is poor between Banduff Road and Northern Ring Road with only informal pathways/tracks evident. The site has no public lighting, no designated paths, accessibility is poor and I question its safety from an anti-social viewpoint. Proposed permeability and connectivity both through the site and to the wider area is good and significant improvements are proposed. The proposal has the potential to significantly enhance the area in terms of connectivity/permeability and accessibility as well as making an almost inaccessible area that has long been the subject of dumping, a true amenity for the wider community. If the Board is disposed towards a grant of permission, I recommend that conditions be attached relating to matters raised within the City Architect's report, namely relating to reconfiguration of duplex units 120 and 14, together with revised location of crèche to allow for a greater degree of passive supervision.

Density/unit mix

10.2.4. The gross site area is stated as being 7.48 hectares, with the developable area being 4.3 hectares. As stated above, the area of the site where residential development is proposed is zoned NE-R-13 within the Ballyvolane Urban Expansion Area. The specific objectives for this zoning under the Cork County Development Plan 2014 provides for 'Medium A density (20-50 dwellings per hectare)'. Based on an area of 4.3 hectares, the density proposed is approximately 38 units/hectare. While a higher density may be achievable on the lands, given its urban location and proximity to established services and facilities, together with the fact that the Ballyvolane Urban Expansion Area has been identified as an area of significant population growth, I consider the density proposed to be marginal but acceptable. I consider it to be in accordance with the provisions of the operative Development Plan and in accordance with national policy in this regard. The planning authority

draw attention to the fact that the density proposed is similar to the recently permitted SHD permission for 753 units at the Ballyhooley Road (AB-P-306325-20) and I accept same. The planning authority consider the density proposed to be acceptable, given the challenging topography and consider the proposal to be consistent with national policy context and development plan policy in this regard. I concur in this regard.

10.2.5. Concerns have been raised in some of the submissions received that the proposed unit mix is such that it will lead to the creation of transient communities and unsustainable communities. I have no information before me to validate this claim but I do consider that a mix of population/tenure catering to people of varying circumstances and at varying stages of the lifecycle adds to the success of any neighbourhood. I consider unit mix to be acceptable and in accordance with SPPR1 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). The proposal is also consistent with the relevant SPPRs of the aforementioned guidelines in relation to unit size; number of dual aspect units and floor to ceiling heights. The proposal would cater to a people at different stages of the lifecycle in accordance with Government policy and would generally be an attractive area in which to reside.

Materials/Finishes

10.2.6. I am of the opinion that if permitted, the proposal would create a quality edition to the urban environment at this location and would create visual interest in the streetscape. As the site area is in excess of 0.5 hectares, I consider that it has the potential to create its own character. Two character areas are proposed, which will add variety to the scheme (Character Area 1- red brick; Character Area 2- beige brick). I would draw the attention of the Board to the extent of render on some of the apartment and crèche elevations and query maintenance of same into the future. This is particularly true for Character Area 1 and I am of the opinion that Character Area 2 has the potential to age better into the future. The extent of render could be reduced and replaced with a varying tone of brick. This matter could be adequately dealt by means of condition, if the Board is disposed towards a grant of permission.

10.3 Open Space/Tree Loss/Impacts on Glen River Corridor/Biodiversity

Open Space

10.3.1 Many, if not all of the third party submissions received raise concern with regard the loss of open space within the area; impacts (visual and ecological) on Glen River corridor and impacts on biodiversity, including loss of endangered species. It would appear to me from reading the submissions, that some believe that the entire site is being developed for housing and that the amenity area associated with the Glen River corridor is being removed. In the interests of clarity, residential development is proposed on the northern part of the site, with the southern element (within the Council's ownership) remaining undeveloped. While the area to the south of the river forms part of the site area, as outlined red, it is noted that its development into an amenity park is not included in this application. It would appear from section 7.9 of the Opinion that this is to be provided by the planning authority. The planning authority are seeking to pursue the development of a network of high quality amenity routes, particularly along waterways (Objective 11.13 of Cork City Development Plan 2015) and it is noted that there is an objective for a new/upgraded amenity route: Silverspring Lane-Lower Mayfield Road-proposed North Ring Road-Ballyhooly New Road, which traverses the site (as shown on Map 5 North Eastern Suburbs Objectives of operative City Development Plan). This amenity route is being provided through the open space zoned lands and is considered acceptable. The planning authority are also satisfied in this regard.

10.3.2 A number of smaller open spaces are proposed throughout the northern part of the site. As stated above, the fact that these have parking spaces around their perimeter detracts somewhat from their amenity. The urban blocks and terraces combined create six public spaces, either as grassed areas or shared public spaces. In addition, a walkway is proposed adjacent to the river. I consider that the northern element currently adds little to the amenity of the area and is currently an unmanaged area dominated by scrub. The southern area, is recognised as being of higher ecological importance, has more trees/planting and is unofficially used by locals for pedestrian access. The issue of tree loss is dealt with below but I note that much of the existing planting is being retained in the southern element of the site, with additional enhancements and more formal paths/walkways being provided. It is

noted in the documentation that the proposals for the southern area are based on minimal intervention in the landscape and the protection of existing natural habitats. It is acknowledged that there will also be some loss of riparian woodland and scrub to the south of the river, but this will be limited to the area required to provide the proposed bridges and amenity footpaths. There will be some loss of vegetation along the northern boundary to facilitate the proposed development but this is generally not of high ecological value. Replacement planting is proposed and is considered to be in accordance with the zoning objective for this element of the lands. Buffer planting along the river corridor is also proposed, together with two pedestrian bridges to give access over the river. The attention of the Board is drawn to the fact that this area to the south of the river, while zoned as Public Open Space, is largely inaccessible/uninviting to the public. The proposed development would provide for amenity walkways within this area and bridging points over the river. This would be a substantial enhancement of the lands. Proposed lighting, focused on roads/footpaths only and not on any nearby environmental receptors such as the Glen River and its associated corridor, is also proposed and welcomed.

10.3.3 Open space is stated to comprise 13% of the development site area, generally provided in a well-considered manner and suitably overlooked. Private amenity space is proposed to all units. Passive surveillance is generally good, aside from the point raised above in relation to the location of the crèche. A Landscape Masterplan has been submitted for the subject site and I am generally satisfied with the landscaping strategy proposed. I am of the opinion that the proposal, if permitted would make a positive contribution to place-making. Linkages will also connect up the adjacent residential estate to the east.

10.3.4 It is noted that the site could be regarded as being a litter black-spot and this is raised in many of the submissions received. It is anticipated that the improvement in permeability, passive surveillance and public lighting would aid in addressing littering/illegal dumping. It is hoped that the opening up an amenity area that is currently largely inaccessible will reduce the extent of littering/dumping in the area. In any event, the matter of illegal dumping is outside the remit of this planning application and is a matter for law enforcement. The Parks Division of the planning authority are satisfied with regards this element of the proposal. I am also satisfied in this regard, subject to condition.

Tree Loss

10.3.5 Some of the third party submissions received raise concerns regarding tree loss.

The Arboricultural Impact Assessment Report state that a tree survey was undertaken in Feb 2020 and a total of 190 trees were surveyed. There are some mature trees along the northern site boundary adjacent to the Banduff Road, as well as along the eastern site boundary adjoining the Barnavara housing estate. The proposal provides for the removal of 92 trees from site (22 to facilitate development and 70 based on their condition). Of the 22 trees proposed for removal to accommodate the design, 2 are Category B and 20 are Category C. I concur with the Arboricultural Assessment which it states that the arboricultural impact of the proposed development on the site will be low. A Tree Protection Strategy for trees to be retained is proposed. I am generally satisfied in this regard.

Impacts on River Glen corridor/biodiversity

10.3.6 The vast bulk of the submissions received raise concerns with regards the impacts of the proposal on the Glen River Corridor, both ecological and visual. These concerns are noted. Visual impacts are dealt with below. An Ecological Impact Assessment has been submitted with the application, the contents of which appear reasonable and robust. The assessment was undertaken, supported by site visits between August and December 2018. A Landscape Design Rationale Report and associated drawings, a Tree Survey and Arboricultural Impact Assessment have also been submitted with the application.

10.3.7 The Glen River flows westerly through the centre of the overall site, discharging into the northern channel of the River Lee c. 4.3km downstream of the closest proposed outfall into it at the site. The lands to the north of the river are dominated by scrub and recolonizing bareground while those to its south are dominated by scrub, woodland and reed/sedge swamp habitats. Three invasive species were recorded on the site. The nearest designated conservation area to the site is Cork Harbour SPA, which is located approximately 1.83km from the study site boundary. No Annex I habitats or Annex II species were recorded on site. Eighteen species of birds were recorded, including one red-listed species of high conservation concern- Herring Gull and three amber listed- Goldcrest, Lesser Black-baked Gull and Robin. The Herring gull was only recorded flying over the site and not using the site itself,

which does not support habitats of value for this species. Similarly, the Lesser Black-backed Gull was spot flying over the site, which does not support habitat for this species while the other two remaining species are primarily associated with scrub and other woody vegetation, where suitable habitat is present and is being retained and/or supplemented. The removal of woody vegetation during the bird nesting season is acknowledged in the EclA to have the potential to have negative impacts on such nesting birds, however it does acknowledged that such impacts can be avoided by removal of such woody vegetation outside of the bird nesting season. The Board are recommended to attach a condition in this regard, if they are disposed towards a grant of permission.

10.3.8 Signs of rabbit and fox were noted during site walk-overs. No signs of badgers or other terrestrial mammals was noted. No signs of otter were recorded during the aquatic survey of the Glen River at the site, where the nearest confirmed historical record is located over 1km west of the study site that dates from 1990. Otters generally favour rivers greater than 2 metres in width and the Glen River is smaller than this. All of the mammal species observed are relatively widespread and common nationally. In terms of bats, no bat species have been historically recorded within the national 1km grid squares overlapping the study site, acknowledged to be possibly due to lack of surveying rather than the absence of bats in the area. The EclA states that linear woody habitats at the site support foraging opportunities for bats in general, where some of the larger/more mature trees may also provide transient roosting opportunities for bats (where no other potential roosting structures are present). The open recolonising bare ground habitat and scrub that dominates the northern portion of site is of less ecological value for bats in general. The study site is therefore considered to be of lower to higher local value for bats overall.

10.3.9 It is noted that southern part of the site is designated as an 'Area of High Landscape Value' in the operative Development Plan. Given the sensitivity of the lands, any development within this area is required to be undertaken sensitively. It is noted that the area supports a number of mature trees and woodland. The EclA concludes that the site, including the Council lands, is of lower to higher local ecological value overall, however the area to be developed north of the Glen River will only impact habitats that are of lower ecological value. Habitats of higher local value comprise of reed/large sedge swamps and riparian woodland are only present to the south of the

River Glen (Council owned lands). No significant impacts on designated sites, habitats, flora or fauna have been identified. It is anticipated that ecological impacts arising from the proposed development would be neutral on the Glen River, due to avoidance of in-stream works combined with the implementation of a 5m watercourse buffer and construction/operational phase surface water management proposals. Impacts on the residential area (to the north of the river) are considered to be neutral imperceptible and slight positive along the northern bank for habitats and flora as new planting/landscaping matures. Permanent habitat loss will mainly comprise of scrub/recolonising bare ground dominated areas along with a planted treeline within the lands to the north of the River Glen in order to facilitate the residential element of the proposed development. The loss of existing habitats on these lands will be offset through diverse native planting of trees/shrubs along the northern bank of the Glen River and elsewhere within the proposed development. It is also noted that a small number of woodland trees will be impacted by the provision of the two pedestrian bridges, however suitable replacement planting could address this.

10.3.10 The planning authority acknowledge that the proposals for the Council lands largely consist of maintaining the existing habitats and enhancing these habitats with suitable species where appropriate. Exact details of bridge and footpath finishes should be agreed with the planning authority prior to the commencement of any works on site, if the Board is disposed towards a grant of permission. The tie-in with the existing sewer south of the Glen River is anticipated to have a modest impact on local habitats and this area will be reinstated on completion of the tie-in. Given that almost all development is taking place to the north of the River Glen, an area considered to be of lower ecological value, I am of the opinion that the proposal is acceptable in terms of impacts on Glen River corridor and in fact, I consider that the proposal has the potential to enhance this area significantly changing it from an inaccessible area which experiences illegal dumping to an area with appropriate pathways and pedestrian bridges allowing for ease of access for all. The Stage 1 AA report states that there are no Annex I or Annex II habitats/species recorded at the overall study site. Furthermore, the proposed development footprint does not currently support habitats of ex-situ ecological value for relevant qualifying interests.

The planning authority in their Opinion state that they are satisfied in this regard. I am also satisfied in this regard.

Conclusion

10.3.11 Having regard to all of the above, I am satisfied that the proposal is acceptable in terms of tree loss, impacts on Glen river corridor and biodiversity. Any impacts would not be so great as to warrant a refusal of permission. In fact, I am of the opinion that the proposal would be a positive at this location, due to the enhancements proposed, allowing it to become more accessible and usable for all.

10.4 Visual and Residential Amenity

Visual Amenity

10.4.1 Some of the third party submissions received raised concerns with regards impacts of the proposal on the visual amenity of the area, in particular the amenity park and the wider Banduff area. Impacts on the character of the area were also raised as a concern. The site is bound to the west by a housing estate known as Lios Rua and to the east by the Barnavara Crescent housing estate. A green strip of land to the south of the Glen River separates the area of the site being developed from the North Ring Road. The area is designated as being of 'High Landscape Value' in the operative City Development Plan. The area to the south of the Glen River is zoned as Public Open Space and no residential development is proposed on those lands. It is recognised that the wider area is comprised of medium density housing developments, many of which do not address the road. This is a prominent site and any development located thereon will need to address its challenges including level differences and the high biodiversity area in which it is located. I am of the opinion that this challenge has been adequately met in the proposal before me. I would concur with the planning authority when they state that the height, namely two and three storey, responds sensitively to the designation of being High Landscape Amenity. The minimal intervention approach and protection of natural habitats to the southern portion of the lands is welcomed from a biodiversity viewpoint, but also a visual amenity viewpoint.

10.4.2 Photomontages of the proposed development have been submitted with images taken from 5 different viewpoints. I am satisfied that the proposal, if permitted would be an attractive addition to the area. In particular, along the Banduff Road, the

proposal has the potential to greatly improve the visual amenity and be a quality addition to the streetscape at this location. I do not believe that it will detract from the character of the area. The proposed pedestrian bridges across the river, are welcomed in terms of improving the amenity and accessibility of the area, are minimal in design and would be an attractive addition at this location. They will provide connectivity to the bus stops on the R635.

- 10.4.3 The northern portion of the site is zoned for residential development, a serviceable piece of land. While no doubt there will be a change in outlook, this is not necessarily a negative and I concur with the planning authority when they state that the proposal has the potential to act as a regenerative catalyst to the overall area. The planning authority have generally not raised concerns in this regard and I am also satisfied.

Residential Amenity

- 10.4.4 Concerns have been raised in many of the submissions received with regards to, *inter alia*, overlooking, overshadowing and loss of light and privacy concerns. I have had regard to all of the submissions received in my assessment.
- 10.4.5 I note that this is a serviceable, zoned site located on the edge of Cork city. It is surrounded by development on many sides. There will be a change in outlook as the site moves from its current state to that accommodating a development of the nature and scale proposed. I note the nearest residential properties to the subject site. Separation distance in excess of 60 metres is proposed with properties to the west (Park Avenue East) while to the east, the closest property is approximately 14.7 metres, between the proposed gable of No. 120 and the first floor windows of the property to the east (Barnavara Crescent). It is noted that proposed No. 120 has no windows in the gable elevation at first floor level. Residential properties to the south are separated by the significant expanse of the amenity lands while to the north are separated by the Banduff Road, have a substantial setback from the public roadway (Ard na Ri) and are at a significantly higher level than those proposed on the subject site. Having regard to the orientation and location of the site, the separation distances involved, level differences and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of any other properties in the vicinity. Impacts on privacy would not be so great as to warrant a refusal of

permission. I am generally satisfied that the proposal will not impact on the amenities of the area, including issues of overbearing, overlooking, overshadowing or loss of light to such an extent as to warrant a refusal of permission.

- 10.4.6 Some concerns have been raised regarding the impacts of the proposal on Cara School, located to the east of the subject lands. I have no information before me to believe that the proposal would have any undue impacts on this school.
- 10.4.7 I have examined all the documentation before me and I note all of the submissions received in this regard. I note the Chief Executive Opinion of the planning authority which does not raise issue in this regard. I acknowledge that the proposal will result in a change in outlook for some of the local residents, as the site changes from its current state to that accommodating development of the nature and scale proposed. Given the location of the site, I do not consider this change to be a negative. As stated above, I am of the opinion that the overall development has the potential to add significantly to the amenity of the area. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. Residential development is permissible under the zoning objective. As has been previously stated, the development site is located within an established part of the city where services and facilities are available, is in close proximity to improving public transport links and where pedestrian and cycle connectivity is proposed. I am satisfied in this regard.

Noise/Anti-Social Behaviour/Vermin

- 10.4.8 Concerns have been raised in relation to noise/disruption during construction works. I acknowledge that if permitted, there may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. It is noted that an Outline Construction Environmental Management Plan and Construction Waste Management Plan were submitted with the application. These plans deal with such matters as construction schedule, construction site compound, best practice construction measures, health and safety measures, hours of construction, noise, dust and light and I am generally satisfied in this regard. It is stated that a construction management plan will be put in place prior to commencement of works

which will designate traffic routes, timings and parking arrangements. This is considered acceptable and the matter could be adequately dealt with by means of condition.

10.4.9 Concerns have been raised in some of the third party submissions in relation to anti-social behaviour on the proposed new bridges, together with littering. The contents of submissions received relating to this matter have been read and are noted. Many of the matters raised in relation of anti-social behaviour/littering within the public realm are a matter for An Garda Siochana, outside the remit of this planning application.

10.4.10 Concerns have been raised in some of the third party submissions in relation to increased vermin as a result of the construction of the proposed development. While I have no information before me to substantiate this claim. However, I recommend that if the Board is disposed towards a grant of permissions, a condition requiring the submission of Final CEMP be submitted to the planning authority for their written agreement, prior to the construction of any works on site, be attached to any such grant. This matter could be addressed therein.

Conclusion

10.4.11 Having regard to all of the above, including the submissions received and the Chief Executive Opinion of the planning authority, I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

10.5 Traffic and Transportation

10.5.1 The attention of the Board is drawn to the fact that many of the third party submissions have raised concerns in relation to traffic and road safety. Many have also raised concerns regarding the prematurity of the proposal pending the determination of the exact route of the Cork Northern Distributor Road.

Cork Northern Distributor Road (CNDR)

10.5.2 I draw the attention of the Board to the fact that this is the matter of greatest concern for me. In the interests of clarity, the Cork Northern Distributor Road is not proposed in this current application- the proposed alignment has been indicated and the land has been set aside on the submitted plans.

- 10.5.3 By way of introduction and from the information before me, it is noted that the Cork Metropolitan Area Transport Strategy 2040 (CMATS) was undertaken by the National Transport Authority, in conjunction with Cork City Council, Cork County Council and Transport Infrastructure Ireland. It was completed in early 2020. CMATS sets out an integrated transport planning policy framework for the Cork Metropolitan Area with supporting transport investment priorities. Its preparation has been informed at national level by the National Planning Framework 2040 and the National Development Plan 2018-2027. The delivery of CMATS is identified as a critical objective in the RSES for the Southern Region and the associated Metropolitan Area Strategy Plan (MASP) for Cork, which also came into effect in 2020.
- 10.5.4 The transport infrastructure requirements identified in CMATS includes a new distributor road on the north side of Cork City, referred to as the Cork Northern Distributor Road (CNDR). The CNDR is distinct from the proposed Cork North Ring Road. The CNDR is identified in CMATS for delivery in the short/medium terms and is identified on page 89 of the CMATS Report as ‘a critical enabler’.
- 10.5.5 In summary, the proposed new Cork Northern Distributor Road (CNDR) is indicated to travel through the subject lands. The NE-U-06 Road Objective, as indicated in the Cobh Municipal District LAP 2017 depicts the CNDR crossing the site diagonally from its SE corner, near Tinker’s Cross to the NW corner. The proposal before me makes provision for this road to pass through their site, however the alignment as indicated in this current proposal does not accord with that put forward in CMATS and Cobh Municipal District LAP. The alignment as indicated in the current proposal is such that the proposed road would meet the R635 Northern Ring Road perpendicularly at the western side of the development site. This tie in would consist of a multi-lane controlled junction with bus lanes and bus priority control. The proposed distributor road would have a 24m wide corridor constituting a 16m wide two-way carriageway consisting of 3m wide traffic lanes in each direction, a 3.5m wide bus lane in each direction, a 3m wide central right turn storage lane in each direction. In addition there would be a 2m wide segregated cycle track and a 2m wide footpath on each side of the carriageway.
- 10.5.6 As is stated above, an addendum submission was received from the PA on 01st September 2020. This addendum includes a report from TII (dated 31/08/2020) and

NTA (dated 31/08/2020). It sets out detailed, informative background information on Cork Metropolitan Area Transport Strategy (CMATS), adopted by the NTA in 2020. It also sets out details in relation to the provision of the CNDR and its current status. It reiterates that CMATS sets out an indicative route for the proposed CNDR and that this indicative route, as far as it concerns the application site, is broadly similar to that set out in the Cobh MD LAP 2017. CMATS envisages rapid progress on the development of the CNDR in the short term and in order to advance this, the NTA is providing grant funding to Cork City Council in 2020 and 2021 for the route assessment and selection process. This will enable a prompt determination of the detailed route alignment for the CNDR. The route selection is being progressed at present with the imminent appointment of design consultants with route assessment and selection to follow thereafter.

- 10.5.7 The addendum continues by stating that the proposed SHD development is in conflict with the indicative route of the CNDR as set out in CMATS and the similar road line set out in the Cobh MD LAP 2017. It has the potential to have significant adverse effects on the objective to deliver the CNDR. The planning authority therefore considers that the current SHD application is premature pending confirmation of the route alignment of the CNDR. This view is further supported by the NTA's accompanying letter.
- 10.5.8 The addendum report also highlights that unlike the Cork Northern Ring Road, the proposed CNDR is not a proposed national road and as such does not come under the remit of Transport Infrastructure Ireland. Their role has been confirmed in an accompanying letter. TII has no direct role in the design and/or delivery of the CNDR, hence they are not in a position to comment on the appropriate route of the CNDR or related conflicts arising. TII is responsible for national roads and interurban motorways, the nearest of which are approximately 1.75km (N25) and 4.5km (M8). The subject SHD is bound by roads which are managed and maintained by Cork City Council. The City Council therefore requests that ABP disregard any unintended inference that may arise from their previous report, whereby TII's submission of 06th July 2020 may have been described as a counterpoint or contrasting view to that set out by the Council's Infrastructure Development Directorate and the recommendation of the Council. The City Council does not interpret or present the comments of TII as endorsing, subject to conditions,

or otherwise any particular route for the CNDR, let alone the alignment proposed within the current planning application. They state that the Council's report should not be read as suggesting that the absence of comment/objection from TII to the proposed routing of the section of the proposed CNDR across the site covered by the application as being indicative as expressing any view whatsoever on the appropriate routing of the CNDR.

10.5.9 The City Council recommends that permission be refused for the reasons previously stated, namely the application is premature. The proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy. Pending determination of the route of the CNDR, the proposal is considered to be premature.

10.5.10 The accompanying report from the TII observes that the proposal is located in proximity of the CNDR. TII advises that the CNDR is not a national road scheme and therefore recommends that ABP consult with Cork City Council and NTA in considering this application.

10.5.11 The accompanying report from the NTA reiterates many of the points outlined in the addendum report of the PA. It further states that the programme for the completion of the route assessment and selection process will be circa 12 months, enabling prompt determination of the detailed route alignment. It is the NTA's view that the future development of lands in the vicinity of the CNDR's indicative route, including the site of the subject SHD, would be best informed by the outcome of the CNDR route assessment process, to be completed by 2021. The prior determination of internal site layouts, access arrangements and provision for strategic road objectives is liable to prejudice the outcome of the CNDR's route selection process and the identification of an optimal route alignment in relation to the CNDR's supporting objectives as set out in CMATS.

10.5.12 I have had regard to all of the information before me. I note that a report was received from the NTA, as prescribed body, and they reiterate many of the points raised above. The subject site is zoned in the current Cobh Municipal District Local Area Plan 2017 as NE-R-13, which provides for Medium A residential development. There is a Roads Objective NE-U-06 shown passing through the site. The zoning

objective for the lands states that 'Development of the site shall make provision for the NE-U-06 and the alignment of this route shall be agreed before any development shall commence'. I acknowledge that the applicants have made provision for the route, just not at the location envisaged in the Plans for the area. The applicants have submitted a 'Site Specific Roads Objective Submission' with the application, together with a 'Traffic and Transport Assessment'. I note the contents of these documents. It would appear from the documentation before me that extensive discussions have taken place between the applicant and the planning authorities and I note that it is stated that a feasibility alignment design of this route was undertaken in 2019 in consultation with Cork City Council's Road Design section. I note the applicant states in their documentation that agreement has been reached with the planning authority in relation to this element of the proposal. This is clearly not the case.

10.5.13 I acknowledge that the proposed Roads Objective NE-U-06 in its current location, as set out in the relevant plans, would appear to severely compromise the development capability of the site, although if an urban edge were created along this road, this may not be the case to such an extent. The proposed location of the CNDR as shown on the application drawings before me appears to form a compromise on a local level between developing the lands to an appropriate scale, whilst still enabling the CNDR to be delivered. However, while this may be a superior option from the viewpoint of the applicant, it is not necessarily the optimum location in terms of the overall proper planning and sustainable development of the Ballyvolane area and Cork city as a whole, when looking at the provision of the CNDR from the wider viewpoint. The best solution for the people of Ballyvolane and the wider area may be in its current form as set out in CMATS and the LAP, but this has yet to be determined. In the absence of this determination, the proposal may be considered to be premature.

10.5.14 The importance of this roadway in terms of realising the potential of Ballyvolane UEA is acknowledged, together with its strategic nature in terms of the overall vision for Cork city. I note from the documentation that the Cork Northern Distributor Road will provide for orbital movement for bus, pedestrian, cycle and some strategic and general traffic and reduce reliance on radial routes through the city centre. Its role as

'critical enabler' is noted. I am cognisant of the NTA's view that the future development of lands in the vicinity of the CNDR's indicative route, including the site of the subject SHD, would be best informed by the outcome of the CDNR route assessment process, to be completed by 2021. Heretofore, it appears that this route was an indicative route on a map, with no clear indication as to when, if ever, a decision was going to be made on its final route. This was obviously frustrating for any landowners who were affected by the line of the indicative route. However, from the documentation before me, it appears that this situation has changed. It is stated that CMATS envisages rapid progress on the development of the CNDR in the short term and in order to advance this, the NTA is providing grant funding to Cork City Council in 2020 and 2021 for the route assessment and selection process. This will enable a prompt determination of the detailed route alignment for the CNDR. The route selection is being progressed at present with the imminent appointment of design consultants with route assessment and selection to follow thereafter. The NTA further state that the programme for the completion of the route assessment and selection process will be c.12 months, enabling prompt determination of the detailed route alignment. From the documentation before me, it is clear that the proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy, if permitted in the absence of a final decision being made on its route. It is the opinion of both the PA and the NRA that pending determination of the route of the CNDR, the proposal is considered to be premature.

10.5.15 I acknowledge the case put forward by the applicants in this current proposal, with regards the proposed location of the CNDR through their lands. However, given the strongly worded reports received from both the planning authority (in the form of their addendum) and the NTA, I am of the opinion that the proposal before me is premature. This is especially true, given the timeframes involved. At this juncture I consider that to recommend a refusal of permission due to prematurity is the option open to me. Otherwise to recommend a grant of permission in this instance may or may not, depending on the outcome of the studies, compromise the optimum route for the roadway. The Board may disagree and I draw their attention to the fact that the zoning objective states that 'Development of the site shall make provision for the NE-U-06 and the alignment of this route shall be agreed before any development

shall commence' (my highlighting). The Board may wish to grant permission and attach a condition in this regard. I am of the opinion however, as set out in the NRA report that the route of the roadway may alter internal roadways and access arrangements and in my opinion the superior option is for the route selection be finalised first before proposals are put forward on these lands. I therefore recommend a refusal of permission in this regard.

Access

10.5.16 Vehicular access will be via two no. priority junctions onto the L3000 Banduff Road, which will provide both vehicular and pedestrian access. Site visibility is currently limited from the existing gated entrances and therefore the two new accesses will be at new locations from those currently existing, with proposed sightlines being a minimum of 50m in both direction at 2.4m setbacks. The planning authority state that given that traffic in the area may be travelling at speeds greater than 50kmh and that the eastern entrance is located at the bottom of a hill, they recommend that the applicant provides sightlines of 90m setback 2.4m in both directions, suitable for a local primary road. The Area Engineer's Report as contained in the PA Opinion, states that there is no objection to a grant of permission, subject to recommended conditions. This matter may be adequately dealt with by means of condition if the Board is disposed towards a grant of permission.

10.5.17 It is also proposed to upgrade the Banduff Road by setting back the existing boundary to allow a 2 metre wide footpath on the southern side of the road to match that at Lios Rua to the west. This will improve pedestrian linkages in the area and is broadly welcomed.

10.5.18 A Traffic and Transportation Assessment was submitted with the application, which shows that the proposed development, if permitted would increase traffic volumes on the Banduff Road by 10-20% and will result in a deterioration in junction capacity at the Rathcooney/Banduff and Mayfield junctions from 2023 onwards. The planning authority has noted that no traffic forecasting has been carried out for the "+15 Year Scenario" as recommended in the TII Traffic and Transport Assessment Guidelines, (2014) and therefore it is unknown what the impact will be on the surrounding road network in the future design year scenario (2038). The Traffic and Transportation section of the Chief Executive Opinion states that the applicants ambitious modal

shift target of 55% to sustainable transport by 2023 is dependent on a number of factors and with the lack of a MMP, it is unclear how these modal shift targets will be reached by 2023. It continues by stating that there is a lack of clarity in the TTA regarding trip rates, traffic count data and traffic forecasting. They also raise concerns with regards the matter of road safety, given that there have been a number of accidents on the Banduff Road previously.

10.5.19 I draw the attention of the Board to the report of the Traffic and Transportation Section of the planning authority in this regard. I acknowledge that there is information lacking in this regard. Notwithstanding this, I note the following. The site is located on zoned lands, within the built-up area on the outskirts of Cork city. It is a relatively modest development of 162 residential units, located within the 50kph zone. If traffic speeds are higher at this location, it is a matter for law enforcement. There are a number of plans in place for the upgrade of the road network in the area and in the improvement in public transport/pedestrian and cycle facilities. There will undoubtedly be an increase in traffic numbers as a result of the proposed development. This may lead to congestion at certain times. However this is an urban area and some level of congestion is to be anticipated. I am however satisfied that this increase in traffic numbers would not be so great as to warrant a refusal of permission. I consider that the matter may be adequately dealt with by means of condition if the Board is disposed towards a grant of permission. I have no information before me to believe that the proposal, if permitted would lead to the creation of a traffic hazard or obstruction of road users at this location.

Car Parking

10.5.20 Table 1A of the Cork County Development Plan is referred to in this regard. A total of 224 car parking spaces are proposed to cater for the proposed development, with 215 allocated for the residential element and the remainder serving the proposed crèche. This equates to 1.38 spaces per residential unit. The planning authority considers that the proposed quantum is acceptable and I am also satisfied. I also note that the report of the planning authority states that there are a number of significant plans to improve the public transportation system for the Ballyvolane area. This is to be welcomed. A Mobility Management Plan or Road Safety Audit were not submitted with the application. It is noted that there is some reference to road safety

within the TTA. If the Board is disposed towards a grant of permission, I recommend that this be dealt with by means of condition.

Cycle Parking

10.5.21 A total of 124 bicycle spaces are proposed and a number of secure/sheltered bicycle storage racks are proposed, which is welcomed. The planning authority have no issue in this regard.

Conclusion

10.5.22 The matter of the CNDR has been comprehensively assessed above. With regards the remaining traffic/transportation matters, it is acknowledged that there is a lack of information provided in this regard. However, notwithstanding this, I am generally satisfied that the matters raised could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

10.6 Drainage and Flood Risk

10.6.1 An Engineering Services Report has been submitted with the application. In terms of water supply and sewage disposal, the applicant proposes to serve the site with new connections to existing public infrastructure. The most recent documentation from Irish Water submitted with the application (dated 14/06/2019) clarifies that applicant will not be required to enter into Project Works Services Agreement, as IW currently has a project in place which is currently at detailed design stage, which includes the construction of a pump station in the Ballyvolane area. This pump station has a grant of planning permission from ABP. It further confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the IW networks can be facilitated. A Design Submission from Irish Water (dated 27/02/2020) has also been submitted, which states that based on the information provided, Irish Water has no objection to the proposal.

10.6.2 A submission received at application stage from Irish Water, confirms that they issued the applicant with a Confirmation of Feasibility in 2019 for 164 residential units. The submission states that in order to facilitate connection(s) to IW infrastructure, upgrade works are required to free up capacity in the existing foul sewer network in the area. The delivery of a new wastewater pumping station in the

Ballyhooley Road area will increase capacity in the local sewer which will serve this development. Planning permission for the proposed pumping station has been granted by ABP and whilst the land for this pumping station is not yet in Irish Water ownership, it is intended that ownership of the site will be transferred to them by agreement. They recommend conditions, in the event of a grant of permission, relating to commencement of construction and occupation of units dependent on commencement, commission and transfer of Ballyhooley Road pumping station. In addition, the applicant be required to sign a connection agreement with Irish Water prior to any works commencing and adhere to standards and codes set out in that agreement. The attention of the Board is drawn to this matter and if disposed towards a grant of permission, I recommend that a suitably worded condition be attached to any such grant of permission.

10.6.3 The proposal for surface water disposal is to attenuate stormwater run-off from the site in accordance with sustainable drainage systems. The applicant proposes to split the drainage system into three separate systems each with its own attenuation tank and hydrocarbon interceptor before out falling to the Glen stream to the south at natural storm run-off rates for greenfield at 15l/s. The drainage report from the planning authority states that they are satisfied with the stormwater network design and criteria used, but do query whether it is possible to rationalise the number of attenuation tanks or outfalls, or both, and also would like clarification on the proposed attenuation system used, how it can be confirmed that the proposed system will not suffer from siltation, together with maintenance proposals. They state that all these points could be addressed by way of condition and I am satisfied in this regard.

Flood Risk

10.6.4 The attention of the Board is drawn to the fact that many of the third party submissions received raise concerns in relation to flooding. The LAP identifies the area around the Glen River as potential for flood risk. Areas downstream of this are also deemed to be of flood risk, including certain parts of Blackpool where the Glen River meets the River Bride. A Site Specific Flood Risk Assessment has been submitted with the application and the attention of the Board is drawn to the fact that there are a number of errors and omissions noted within this document. The SSFRA states that the proposed development area lies entirely within Flood Zone C, as set

out in Lee CFRAM study. It does acknowledge that small areas along the Glen River are located within Flood Zones A and B, but these are limited to the river channel due to the steep banks. The SSFRA states that an assessment was undertaken of the OPW flood hazard maps and that 2 flood events have occurred in the Banduff area in recent years, with the most recent event being in 2012 at Ballyvolane (approximately 1.7km from the subject site) and the other being Ballyhooley Road Jan 1988 (incorrectly stated as Jan 2019 in FRA). They state that there is no evidence of a flood event occurring at the proposed development site, however 4 no. other flood events have occurred downstream of the proposed development site.

- 10.6.5 Section 2.1.2 Pluvial Flood Risk of the submitted FRA states that no records of surface water flooding have been encountered during the desktop study in the vicinity of the site. The Area Engineer's Report, as contained in the PA Opinion states however that the L-3000 Banduff Road which abuts the site is liable to flood and has flooded historically at times of heavy rain and a condition has been recommended in this regard. To preserve proper roadside drainage and prevent flooding, they recommend that the applicant accommodate the existing roadside drainage and existing inlets from the public road into the site in the proposed stormwater designs and proposal.
- 10.6.6 The Area Engineer's Report, continues by stating that the Glen River flows to the Drain District of the Blackpool area of Cork city, which has experienced major flooding in 2012 caused by the River Bride. Flooding was also experienced in Ballyvolane and Spring Lane due to the Glen River. While the applicant does not propose to build on the Glen River floodplain, the development bounds the floodplain and may have an impact.
- 10.6.7 It is demonstrated from an examination of OPW mapping that the Banduff environs are not at risk of coastal flooding or groundwater flood risk. The Stage 1 Assessment concludes that the predominant source of flood risk in the Banduff environs is from the Glen River. It states that the proposed dwellings are located in Flood Zone C. Due to the steep and high riverbanks of the Glen River through the site, the extent of Flood Zone A and B are almost identical. The pedestrian bridges over the Glen River will be designed so as not to restrict the flow in the river and conform with all OPW requirements for watercourse crossings. The bridges are

designed so as to ensure that appropriate freeboard is possible above the 1% AEP MRFS level.

10.6.8 The applicants state that a Justification Test is not required as the entire site lies within Flood Zone C (incorrectly stated as being entirely outside Flood Zone C on page 16. This is a typographical error and does not affect the outcome of my recommendation). The SSFRA concludes in section 2.2.8 that the finished floor levels of the proposed dwellings are all above the 1% AEP MRFS floor level, including freeboard, which is the recommended design standard in the 'The Planning System and Flood Risk Management'. It continues by stating that the finished floor levels are all a minimum of 1.5m above the 0.1% AEP MRFA flood level in the Glen. Access and egress routes are available to the site in all flood events. However, the Drainage Report of the planning authority, as contained in section 10.13 of Appendix B states that section 2.2.5 of the FRS does not appear to fully address the issue of the proximity of the potential Glen River flood levels to finished floor levels in the SE corner of the development site. Based on a review of the CFRAM mapping (as contained in drawing ref. M7/UA/EXT/CURS/004_Rev 1) the current scenario 1% AEP flood level at the location of node 7BR2_3380 is 67.24mOD. The 'Proposed Site Plan' (Drwg. No. 16217_P_003C), prepared by Deady-Gahan, the property in the SE portion of the development is set at 66.15mOD. This is 1.09m below the potential Glen River flood height at this location. The Drainage Report continues that a review of Section B-B on Drwg. No. 16217_P_006 indicates that if the Glen River achieves any flood height in excess of 66.15mOD, it has the potential to break its bank and flow unimpeded across the open space in the SE corner of the development and inundate the adjacent cul-de-sac. The Report also raises some queries as to the source of some of the levels used. A condition is recommended requiring the applicant to address the issue, either by way of additional hydrodynamic modelling or revisions to the site layout plan.

10.6.9 I have had regard to all of the above information before, including the contents of the third party submissions in this regard. I note the location of the development area within Flood Zone C but also the proximity of some of the units to the river channel in the SE portion of the site. I do have some concerns in this regard. I also note a number of discrepancies/omissions in the SSFRA, which would need to be rectified. However, it is noted that the Drainage Report of the PA recommends a condition in

relation to flood issues and the Area Engineer's Report, which has also examined flood risk, recommends a grant of permission. SuDS measures are proposed, with greenfield run-off rates proposed. I would not be recommending a refusal of permission in relation to this matter, however it is a matter that requires addressing (for example either by raising finished floor levels or omitting units) and I am drawing the attention of the Board to it.

11 Other Matters

Phasing

- 11.1 The proposed development is to be undertaken in two distinct phases, over an eighteen month period. I note that 91 units are proposed to be constructed within Phase 1, with the remaining 71 units and crèche facility being constructed within Phase 2. If the Board is disposed towards a grant of permission they may wish to condition that the crèche facility be constructed within the first phase of development or that the units constructed within the second phase not be occupied until such time as the crèche facility is completed and available for use.

Greenhouse Gas Emissions

- 11.2 Some of the third party submissions received raise concerns in relation to increased greenhouse gas emissions as a result of the proposed development. While an increase in greenhouse gases is inevitable with most development, I have no information before me to believe that this increase would be excessive. I note that the matter of climate change has been addressed in the submitted 'EIA Screening'. It states that no significant negative impacts are likely in relation to climate, subject to strict compliance with standard environmental controls. I am satisfied in this regard.

Planning History in Area

- 11.3 Some of the third party submissions received raise the matter of previous refusals of planning permission in the wider area. I have examined the planning history in the vicinity of the site. I am assessing this proposal before me, de novo. I note that each application is assessed on its own merits.

Contaminated Land

- 11.4 It is noted that some of the third party submissions have raised concerns in relation to the lands being contaminated due to their previous, historical use as a landfill. The matter is addressed in sections 1.3 and 2.4 of the submitted Outline CEMP, which states that from mid-1980 to mid-1990, the site was infilled with soil and stones, with lesser quantities of construction and demolition waste. The site was infilled with generally clean material, however pockets of non-conforming wastes such as timber, metal and plastics associated with construction and demolition materials were uncovered. The source of the material was from the local area. It is stated that consultation with the planning authority has been undertaken in this regard and in principal, it is recognised that prior to any construction works being undertaken a detailed environmental risk assessment would be undertaken in accordance with the EPA Code of Practice for Environmental Risk Assessment for Unregulated Waste Disposal sites. All excavations will be carefully managed to ensure that potentially contaminated soil is identified and segregated and appropriate steps taken.
- 11.5 The attention of the Board is drawn to the fact that a 'Report on Assessment of Soils at Banduff, Ballyvolane, Cork (September 2019)' is referred to on page 5 of the submitted Outline CEMP. While submitted at pre-application stage, it appears that this report was not included in the application documentation. This lack of documentation is noted. It is also noted that Figure 3 Google image of the site in 1995 is difficult to read. However, given the information before me in this regard, I would be satisfied to deal with this matter by way of condition, if the Board were disposed towards a grant of permission. It is noted that the planning authority have not raised concern in this regard, subject to condition relating to the provision of a detailed environmental risk assessment in accordance with aforementioned EPA guidelines prior to construction commencing on site.

Part V

- 11.6 Sixteen units are proposed to address the matter of Part V provision, with 10 of these to be provided in Phase 1 and 6 in Phase 2 of the development. The mix is as follows: 8 x 2 bed units; 8 x 3 bed units. These are pepper-potted throughout the

scheme. The planning authority has raised no objections to the proposal in this regard. I have no issue in this regard.

Archaeology

- 11.7 There are no recorded monuments or places (RMP) located within the proposed development site, as is stated by the PA Archaeologist. There are however a number of archaeological sites in close proximity including three fulachta fiadh and a ringfort. The planning authority state that the principle of development is supported in this regard, however archaeological monitoring by a suitably qualified archaeologist is recommended. If the Board is disposed towards a grant of permission, I recommend that an appropriately worded condition be attached to any such grant.

Site Notices

- 11.8 I noted during my site visit that some of the site notices were vandalised/defaced, in particular along the Banduff Road. This had been brought to the attention of ABP by the applicant on 23rd July 2020. I refer the Board to article 299(1) of the Planning and Development (Strategic Housing Development) Regulations 2017, which state that 'For the purposes of section 8(3)(a) of the Act of 2016, in a case where the Board is satisfied that the applicant has complied with the provisions of articles 292 and 293 but that any site notice erected by the applicant has been maliciously defaced or destroyed by any person other than the applicant, the Board shall not, on that account, consider that the application is inadequate or incomplete'. I am satisfied in this regard. I also note that, given the extent of submissions received, it is clear that the public is aware of an application being made on these lands.

12 Screening for Environmental Assessment (EIA)

- 12.0.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Impact Assessment Screening Report. The Screening Assessment outlines that having regard to the criteria specified in Schedule 7 of the Planning and Development Regulations, 2001; the context and character of the site and the receiving environment; the nature, extent, form and character of the proposed development; that an Environmental Impact Assessment of the proposed development is not required. I am satisfied that the submitted

Environment Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

12.0.2 The current proposal is an urban development project that would be in the built up area but not in a business district. The proposal is for 162 residential units and a crèche facility on a stated developable site area of area 4.3 hectares. The total site area, inclusive of the open space zoned lands is stated as being 7.48 hectares. The proposed residential development would be located on brownfield lands beside existing development, in an area where residential development is under construction. The area to the south of the Glen River is zoned as Public Open Space and is designated as being of 'High Landscape Value'. There is no development, aside from that to facilitate the creation of amenity/pedestrian pathways proposed on this element of the site. Aside from that, the site is not designated for the protection of a landscape or of natural or cultural heritage. There are no Protected Structures within the overall landholding. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

12.0.3 The development would result in works on zoned lands. The majority of the proposed development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The developable site area is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The potential for cumulative effects from other large projects is unlikely. On the basis of the information on the file, which I consider adequate, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

13 Appropriate Assessment Screening

13.0.1 A 'Screening Assessment in support of Appropriate Assessment Process' was submitted with the application, contained within Appendix 1 of the EclA. The

information contained therein appears reasonable and robust. I draw the attention of the Board to a discrepancy between the submitted EclA and the AA Screening Assessment in relation to the number of designated sites within 15km radius of the development site. I note that the Blackwater River (Cork/Waterford) SAC is within 15km radius of the site, stated in section 3.1 of the EclA to be 12.7km from the study site. However, section 2.4 of AA Screening Assessment states that there are only two designated sites within 15km, namely Cork Harbour SPA and Great Island Channel SAC and it does not refer to the Blackwater River (Cork/Waterford) SAC. However, I note that the study site is outside of the catchment for the Blackwater River SAC and therefore there is no possible link to this SAC. It can therefore be ruled out without any need for a detailed screening of possible impacts on the conservation objectives. I would agree with the approach that the two Sites associated with Cork harbour are the only sites that need to be considered in the AA Screening report. Notwithstanding this discrepancy between the two assessments, it is considered not to be a significant issue.

13.0.2 The site is not designated for any European Site. I would concur with the AA Screening Assessment that the following European sites are the only sites which require consideration in the AA Screening Assessment- Great Harbour SPA and Great Island Channel SAC. It is stated that there are no other sites greater than 15km away where a potential impact-receptor pathway is relevant.

Table 3:

Site Name	Site Code	Distance	QIs/SCIs
Great Island Channel SAC	001058	c.5.88 km	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows [1330]
Cork Harbour SPA	00430	c. 1.83km	Little Grebe [A004] Great Crested Grebe [A005] Cormorant [A017] Grey Heron [A028] Shelduck [A048] Wigeon [A050] Teal [A052] Pintail [A054] Shoveler [A056] Red-breasted Merganser [A069] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Lapwing [A142] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Curlew [A160]

Conservation Objectives

Generic conservation objectives pertain to both sites, namely to maintain the favourable conservation condition of the qualifying interests.

Potential Direct/Indirect Effects

- 13.0.3 It is stated that there will be no direct effects as the proposed development is located outside of the identified designated sites. A potential impact-receptor pathway for indirect effects on the designated sites has been identified as a result of (i) surface water discharge between the study site and Cork Harbour SPA and Great Island Channel via the Glen River and (ii) operational waste via Cork City WWTP.

Assessment

- 13.0.4 I note the following:

- The site is not located within a Designated Site and no loss/fragmentation of habitat will occur - proposal is located a minimum of 1.83km from the nearest Designated Site
- The site does not contain suitable supporting habitat for Annex II species or SCI bird species- site consists of recolonizing bare ground, scrub and woodland; brownfield in nature. No disturbance/disruption to key species is anticipated. Conservation objectives of Great Island Channel SAC relate to habitats and not fauna
- Disturbance/displacement impacts of fauna that are listed as qualifying interests of the Natura 2000 sites are not relevant here as (i) due to distance combined with screening from existing buildings/vegetation and topography (ii) the conservation objectives of Great Island Channel SAC relate to habitats and not fauna and (iii) the study site does not support habitats of ex-situ ecological value for qualifying interest species of Cork Harbour SPA.
- There will be no direct effects on any of the above listed Designated Sites
- No indirect construction/operational stage surface-water run-off impacts on Cork Harbour SPA and Great Island Channel SAC are expected as a result of the proposed development due to the implementation of standard environmental controls. Such controls are not intended to address any particular risks, such controls would be proposed regardless of the Natura 2000 sites. Therefore, no measures are specifically required to address risks to the Natura 2000 sites in this case.
- No indirect hydrological impacts on Cork Harbour SPA via waste-water/foul effluent are expected as a result of the proposed development. Construction phase wastewater/foul effluent will be managed and controlled at the temporary site compound, where sanitary waste will be removed from site via a licenced waste disposal operator. Operational phase waste-water/foul effluent from the proposed development will be collected via new sewer infrastructure at site and discharged for treatment at Cork City WWTP
- Indirect hydrological impacts on Great Island Channel SAC via waste-water/foul effluent are not considered relevant as this SAC is not downstream of the WWTP's discharge point, although its boundary is c. 550m north-east of the

WWTP's discharge point. However, potential impacts on the SAC arising from tidal/wind movements from Cork City WWTP's discharge point have not been highlighted as being of significant concern in an assessment on the conservation status of the SAC

- IW have confirmed that the proposed connection to their network can be facilitated
- No cumulative/in-combination effects on Natura 2000 sites are considered relevant
- Potential impacts arising from the spread of invasive knotweed plants is not considered relevant as an eradication programme is underway with on-going monitoring/treatment
- A site-specific flood risk assessment concludes that the proposed development area is not part of and will not become part of a flood risk area, and that potentially relevant design aspects (e.g. finished floor levels, pedestrian bridges, surface-water drainage design strategy) will not increase fluvial flood risk, obstruct flow in the river or otherwise result in a worse scenario for the Glen River; therefore, potential impacts on downstream designated sites via flooding/floodplain as a result of the proposed development are not relevant here.
- Construction measures are proposed to avoid all water pollution during construction and operational phases

13.0.5 In my opinion, significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network. The risk of contamination of any watercourse is extremely low and in the event of a pollution incident significant enough to impact upon surface water quality locally, it is reasonable to assume that this would not be perceptible to European sites due to the distance involved and levels of dilution. Cumulative impacts are not anticipated and neither was any potential for different impacts resulting from the combination of various projects and plans.

13.0.6 Mitigation measures are referred to within the Outline CEMP, EclA and other documentation submitted. Section 4 of the AA Screening report refers to standard environmental controls and they are clear in the text that the intention is for protection measures that would be applied regardless of the downstream European sites. This is not mitigation in the meaning of measures to avoid or reduce harmful effects on a European site and it is clear that the intention of the measures referred to is not related to European sites. In my mind they are not mitigation measures but constitute the standard established approach to construction works on greenfield/brownfield lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water has been demonstrated by long usage.

13.0.7 Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect the Cork Harbour SPA (004030), Great Island Channel (001058) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

14 Recommendation

14.0 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist and where improvements in public transport is envisaged. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. As stated above, the proposed development, if permitted would

increase residential accommodation and enhance existing recreational amenity space provision. I am satisfied that the proposal, if permitted would not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

14.1 I do note that there is a lack/discrepancy in information in some regards, namely in relation to traffic and road safety, issues around flooding and contamination. The matter raised in relation to the car dominance of the layout is also noted.

14.2 However, my greatest concern relates to the potential that the proposed development may have on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy (CMATS) and in the Cobh Municipal District LAP 2017, in particular Site Specific Objective NE-R-13. Pending determination of the route of the CNDR, the proposal is considered to be premature. I therefore consider the proposal not to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is REFUSED for the reason outlined below.

15 Reasons and Considerations

1. Cork Metropolitan Area Transport Strategy 2040 (CMATS), adopted by NTA in 2020 sets out an integrated transport planning policy framework for Cork with supporting investment priorities. The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which also came into effect in 2020. Critically important infrastructure identified in CMATS includes a new distributor road on north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR). The proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy (CMATS) and in the Cobh Municipal District Local Area Plan 2017. Pending determination of the route of the CNDR, the proposal is considered to be inconsistent with Site Specific Objective NE-R-13 of the Cobh Municipal District Local Area Plan 2017; is considered to be premature and inconsistent with the proper planning and sustainable development of the area.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 22nd day of June 2020 by Miata limited care of HW Planning, Ballincollig, Co. Cork.

Proposed Development:

The application site is located at Banduff Road, Banduff, Mayfield, Cork.

The development will consist of 162 no. residential units and a 2-storey creche. The proposed development consists of the construction of 74 no. 2-storey terraced dwelling houses (19 no. 2-bedroom, 49 no. 3-bedroom and 6 no. 4-bedroom) & 88 no. apartments (6 no. single storey 1-bedroom, 38 no. single storey 2-bedroom and 44 no. 2-bedroom duplex) to be provided in 22 no. 3-storey corner blocks.

Pedestrian and cycle access to the North Ring Road (R635) is proposed via 2 no. pedestrian/cycle bridges across the Glen River with 1 no. bridge providing for a connection to an existing pedestrian path between the North Ring Road and the adjacent Barnavara Crescent Estate and 1 no. bridge providing for a new pedestrian route and pedestrian entrance to the North Ring Road. Connecting amenity paths, landscaping and all ancillary site development works are proposed on lands to the south of the Glen River. Ancillary site development works to include provision of play areas, bike parking stands and bin stores. Vehicular access to the proposed development will be via 2 shared vehicular and pedestrian entrances from the Banduff Road and 6 no. additional pedestrian entrances from Banduff Road are also proposed.

Decision

REFUSE permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Matters Considered

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

Reasons and Considerations

1. Cork Metropolitan Area Transport Strategy 2040 (CMATS), adopted by NTA in 2020 sets out an integrated transport planning policy framework for Cork with supporting investment priorities. The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which also came into effect in 2020. Critically important infrastructure identified in CMATS includes a new distributor road on north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR). The proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy (CMATS) and in the Cobh Municipal District Local Area Plan 2017. Pending determination of the route of the CNDR, the proposal is considered to be inconsistent with Site Specific Objective NE-R-13 of the Cobh Municipal District Local Area Plan 2017; is considered to be premature and inconsistent with the proper planning and sustainable development of the area.

Lorraine Dockery

Senior Planning Inspector

23rd September 2020