



Board Direction

Ref: PL28.245709

The submissions on this file and the Inspector's report were further considered at a Board meeting held on April 6th 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The site, the subject of the proposed development, being the entrance and primary access / egress road to a proposed mixed use retail development within the area of Cork County Council, is subject to zoning objective ZO 14 "Public Open Space" in the Cork City Development Plan, 2015 - 2021, where it is the stated objective '*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.*' In addition, Objective 11.7 of the Plan provides that it is the objective '*to protect, retain, improve and provide for areas of public open space for recreation and amenity purposes. There will be a presumption against development of land zoned public open space for alternative purposes.*' By reason of its nature and extent, it is considered that the construction of this access road would contravene materially the development objective indicated in the City Development Plan for the zoning of this land for public open space use. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to:-
 - the information submitted in this application and appeal, including the details of traffic and junction capacity

assessments and the assumptions and surveys informing these assessments,

- the fact that the road infrastructure improvements, proposed by the applicant, to the Ballyhooly Road / North Ring Road junction, and to the North Ring Road, and to the “Fox and Hounds” junction, are not all within the subject site nor within the applicant’s ownership or legal interest,
- the existing levels of traffic congestion on the surrounding road network,
- the proximity of the proposed entrance for the related mixed use retail development to the Ballyhooly Road / North Ring Road junction,

the Board is not satisfied that it has been demonstrated that the proposed development, if permitted, would not adversely affect the use of major roads, the R635 (North Ring) and the R614 (Ballyhooly Road), by traffic due to the increased traffic generated by the related mixed use retail development which the proposed access is intended to serve. It is therefore considered that the proposed development would be likely to endanger road safety by reason of traffic hazard, would cause serious traffic congestion, and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development is located within and proximate to the Glen Valley, an area designated as an Area of High Landscape Value, where it is the stated policy of the City Council ‘*to conserve and enhance the character and visual amenity of the area*’. The Glen Valley also functions as an ecological corridor and is of local social and cultural importance. It is considered that the elevating of the proposed road development on raised piles over the existing flood zones as a flood prevention measure, together with the extensive removal of existing natural vegetation including trees, hedgerows and scrub area, notwithstanding the landscaping and planting proposals for the site, would seriously injure the visual amenities of the riverine corridor and habitat of the Glen Valley, would seriously injure the visual amenities of lands zoned open space and identified as an area of high value landscape and would significantly militate against the potential for the future development of the area as an amenity for the Ballyvolane area, which is identified as a strategic growth area under the Cork Area Strategic Plan. The development, if permitted, would set an undesirable precedent for similar development within the Glen Valley, would represent a significant and negative visual impact on this

landscape and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Part of the proposed development site is located within Flood Zone A and Flood Zone B as defined in the '*Planning System and Flood Risk Assessment Guidelines for Planning Authorities, 2009*'. The proposed development is therefore subject to a 'Justification Test' as set out in the Guidelines. The proposed development site is zoned '*ZO 14 Public Open Space*'. The Board is not satisfied that the proposed development satisfies all the criteria of the 'Justification Test'. Furthermore, the SEA for the Cork City Development Plan 2015-2021 recommended that any proposed developments should be informed by the Lower Lee Flood Relief Scheme being prepared by the Office of Public Works. Consequently, the proposed development would be contrary to these Ministerial Guidelines and would be premature pending the publication of the 'Lower Lee Flood Relief Scheme' and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note The Board noted the Inspector's recommendation regarding the use of its power under Section 138 of the Act, in relation to one of the third party appeals. The Board was of the view that this appeal included material planning and traffic issues, and therefore did not consider that it would be appropriate to dismiss the appeal concerned. The Board therefore took the content of this appeal into account in its decision.

[Please issue a copy of this Direction with the Board Order.]

Board Member: _____ Date: 8th April 2016
Philip Jones