



An
Bord
Pleanála

Board Direction
BD-000140-18
ABP-300543-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2018.

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

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location adjoining the established settlement of Glanmire, Co. Cork;
- (b) the policies and objectives in the Cork County Development Plan 2014, Development Plan Variation number 1 of the 12th day of February 2018 and the Cobh Municipal District Local Area Plan 2017;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness;
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in March 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS);
- (g) the nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
- (h) the pattern of existing and permitted development in the area;
- (i) the submissions and observations received, and

- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would provide residential accommodation at a location within the city that would promote sustainable travel patterns, would enhance the character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening Report (Appendix 7.6 of the environmental impact assessment report) submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application;

- (c) the submissions from the planning authority, the observers, and the prescribed bodies in the course of the application, and
- (d) the report of the Inspector.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (i) Landscape and visual impacts, which will be mitigated by the retention and enhancement of existing wooded areas, new landscaping and the creation of a new woodland and biodiversity corridor between Ballinglanna House and the woodland on the western site of the site.
- (ii) Traffic and transportation impacts, which will be mitigated by the phasing of the development with construction of up to 400 number units in advance of completion of the Dunkettle Interchange upgrade and by the completion of a package of local road improvement measures in accordance with the provisions of the Cobh Municipal District Local Area Plan 2017.
- (iii) Land and soils impacts, which will be mitigated by re-use of soil and subsoil material in the development, limited soil stripping, measures to control sediment in surface runoff, and construction management measures.
- (iv) Water impacts, which will be mitigated by construction management measures and the installation of interceptors on roads within the scheme.

- (v) Biodiversity impacts, which will be mitigated by construction management measures, protection of habitats to be retained, cowslip translocation, landscaping, woodland management, invasive species management, measures to avoid disturbance to badgers and bats, and provision of bat boxes and alternative bat roosting locations.
- (vi) Cultural heritage impacts, which will be mitigated by pre-construction surveys and site investigations, monitoring and removal of stone walls, avoidance and protection during construction works, and monitoring of ground works.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment report, submitted with this application as set out in Volume 1 Chapter 13 of the EIAR “Summary of Mitigation Measures”, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The period during which the proposed development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the proposed development, it is considered appropriate to specify a period of validity on this permission in excess of five years.

4. (a) The proposed development shall be carried out on a phased basis, such that not more than 400 number dwelling units, together with their associated site development works (Phases 1 to 6), shall be constructed prior to completion of the Dunkettle Interchange upgrade works. In addition, the distributor link road required under Local Area Plan objective GM-U-06 (Phase 1) shall be constructed prior to the occupation of any dwelling.
- (b) Work on any subsequent phases after Phases 1 to 6 shall not commence until such time as the written agreement of the planning authority is given to commence the next phase. Details of further phases shall be as agreed in writing with the planning authority.

Reason: In the interest of safeguarding the capacity of the existing national primary road network and in the interest of orderly development.

5. The formal section 47 agreement which regulates the following matters:
- (a) the payment of financial contributions towards the cost of infrastructure provided,
 - (b) the timing of the delivery of the infrastructure by Cork County Council,
 - (c) the delivery of housing at reduced cost,
 - (d) the funding and execution of alterations to the public road network to facilitate access to the site, and
 - (e) woodland management measures,

shall be agreed and signed with the planning authority prior to the commencement of any development on the site. Construction shall not proceed until such time as the section 47 agreement is finalised between the developer and the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: To give certainty that the infrastructure and housing will be delivered as per the terms of the agreement in the interests of orderly development.

6. The proposed development shall be amended as follows:
- (a) The parking layout for the houses shall be amended such that the dividing boundary walls are omitted and shared parking areas are provided rather than two individual spaces in the front curtilage of each house.
 - (b) Additional landscaping shall be provided around the renovated Coach House, in order to improve the setting of the protected structure.
 - (c) Houses number 330 to 333 shall be re-orientated such that they overlook the public open space to the east and shall share vehicular access with house numbers 338 to 341.
 - (d) Three of the 'kick about' spaces shall be redesigned as Multi-Use Games Areas, to conform to the specifications of the planning authority for such facilities.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to comply with the recommendations of the Design Manual for Urban Roads and Streets and to provide a satisfactory standard of residential accommodation.

7. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
 - (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (b) The roads layout shall comply with the requirements of the Design Manual for Roads and Streets, in particular carriageway widths.
 - (c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
 - (d) The alignments of the Dunkettle Road upgrade and Fernwood estate link road are to be revised to the satisfaction of the planning authority.
 - (e) Dedicated cycle lanes are to be provided on both sides of the Fernwood Link Road and the layout is to be amended to facilitate cycling in both directions and to ensure the continuity of footways and cycle tracks through junctions as outlined in the Design Manual for Urban Roads and Streets.

- (f) Pedestrian facilities are to be provided on Caherlag road to the satisfaction of the planning authority.
- (g) The closure of the Dunkettle road / Caherlag road junction and associated turning area are to be carried out in accordance with the requirements of the planning authority.
- (h) The layout shall be revised to provide for dedicated pedestrian and cyclist connectivity from the site to Phase 1 of the Glanmire and Riverstown Greenway along the East Cliff road, in addition to the main spine road at the site, in accordance with the requirements of the planning authority.
- (i) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic, cyclist and pedestrian safety.

- 8. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

- 9. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The

developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works.

Reason: In the interest of residential and visual amenity.

10. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.
 - (c) Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

11. The applicant shall undertake a review of all historic boundaries at the site. Details of all boundaries to be removed / amended shall be submitted to the planning authority for agreement in writing prior to the commencement of development. Boundaries should be retained where possible, particularly along Dunkettle Road and Caherlag Road. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of protecting the amenity of the area.

12. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:
- (a) Soil and subsoil cross-sections.
 - (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.
 - (c) The relationship of the proposed mounding to the existing vegetation and woodland areas.

Development, including landscaping required by condition number 9 of this order, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of residential and visual amenity.

13. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area.

14. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

15. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

16. The applicant is required to engage the services of a suitably qualified, licenced archaeologist to carry out a geophysical survey across the development site. This will then inform a programme of archaeological test excavations to be carried out based on the results of the geophysical survey. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent. Five to six weeks are to be allowed to facilitate the processing of an archaeological and geophysical licence. This assessment shall include:
- (a) The archaeologist shall inspect the development site and shall summarise the historical and archaeological background of the site. Proposals for the protection of, and appropriate buffer zones around, RMP 00075-094(001-/002-) shall be submitted to the National Monuments Service Section of the Department of Culture, Heritage and the Gaeltacht and agreed in advance of construction works commencing; this can be submitted as part of the method statement for the archaeological licence.
 - (b) The archaeologist shall then carry out a geophysical survey across the proposed development site in advance of construction works commencing, in order to establish the location and extent of any subsurface archaeological features that may survive.
 - (c) The archaeologist shall then excavate test trenches at locations chosen by the archaeologist, having consulted the results of the geophysical survey and the site plans, in liaison with the Licensing Section of the National Monuments Service. Excavation is to take place to uppermost archaeological horizons only - where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from the National Monuments Service. Please note that all features within the trenches are to be hand-cleaned and clearly visible for photographic purposes. Section excavation through features shall only take place where agreed in advance with the National Monuments Service.

- (d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the National Monuments Service outlining the results of the geophysical survey and test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, excavations, services trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.

Where archaeological material is shown to be present, further mitigatory measures will be required; these may include redesign (in whole or in part) to allow for preservation in situ, and/or additional excavation or monitoring. The National Monuments Service will advise the planning authority and the applicant with regard to these matters.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

17. Before construction of the storm-water outfall to the Glashaboy River commences, a survey of the riparian area 70 metres above and below the outfall point will be carried out for breeding otter and breeding grey wagtail. Where breeding otter or grey wagtail is found, best practice mitigation will be carried out (including, if necessary, delay of construction works until after the breeding period).

Reason: To ensure the protection of habitats and species.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

20. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenity of property in the vicinity

21. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

22. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. No construction traffic shall be permitted to use the existing access through Fernwood estate.

Reason: In the interests of public safety and residential amenity.

23. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Board Member

Date: 28/03/2018

Paul Hyde