

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Cork City

**Planning Register Reference Number: T.P. 15/36520**

An Bord Pleanála Reference Number: PL 28.245709

**APPEAL** by Ballyvolane Development Company Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 8<sup>th</sup> day of October, 2015 by Cork City Council to refuse permission.

**PROPOSED DEVELOPMENT:** Construction of a new entrance and access road from the Ballyhooly Road at Banduff, Ballyvolane, Cork. The planning application consists of the opening of a new entrance and construction of a vehicular and pedestrian access road. The road is to provide access to lands within the administrative boundary of Cork County Council (planning register reference number 14/4895) for a mixed use retail development and currently on appeal to An Bord Pleanála (Appeal Reference PL 04.244668). The planning application includes all associated site services and ancillary site development works and allows for connectivity to the future proposed amenity walkway along the Glen River.

## DECISION

**REFUSE** permission for the above proposed development based on the reasons and considerations set out below.

## 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. 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 materially contravene 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 endanger public 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, 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**