



An
Bord
Pleanála

Inspector's Report PL04.247346

Development	Residential development of 53 houses, previously permitted under ref:07/13055 and extended under ref:13/5043, and all associated site development works
Location	Rearour and Barrettshill, Ballinhassig, Co. Cork
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/5699
Applicant(s)	Citidwell Homes Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Citidwell Homes Ltd
Observer(s)	Sandra Foley & Others
Date of Site Inspection	7 th January 2017.
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 3.3 ha is located to the south west of Ballinhassig village on lands within the defined development boundary of the village. The site is bounded to the north by the R613, to the west by a private agricultural laneway and further west by the N71, to the east by the Owenabue River and to the south by a tributary stream of the Owenabue River known as the Rearour Stream. The site is relatively flat, although it rises slightly to the north. A large part of the site is also identified as being an area susceptible to flooding (Zone A and B) as shown in the Carrigaline Electoral Area Local Area Plan 2011.
- 1.2. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. This is an application for a residential development of 53 no. dwelling houses comprising of 9 no. 4-bedroom detached, 16 no. 4-bedroom semi-detached and 28 no. 3-bedroom semi-detached dwellings, (change of layout, new entrance, house type and increase in density from 41 no. dwellings permitted under Planning Reg. No. 07/13055 and extended under Planning Reg. No. 13/5043) and all associated ancillary site development works including but not limited to vehicular access, footpaths, pedestrian facilities, drainage, treatment unit and landscaping works.
- 2.2. The application was accompanied by the following:
 - A Site Specific Flood Risk Assessment
 - Appropriate Assessment Screening
 - Planning & Design Statement
- 2.3. Unsolicited further Information was submitted by the applicant on 11/08/2016 in response to the objection submitted on the planning file and the observations of Inland Fisheries Ireland. The submission stated that the design proposals have mitigated for downstream flooding and that the proposed development will not negatively affect the properties downstream and that this proposal is in accordance with the principles of proper planning and sustainable development. It is also stated

that a viable planning permission still exists that does not address the flooding issue to the same degree as the current proposals.

3.0 Planning Authority Decision

3.1. Decision

Cork County Council issued notification of decision to refuse permission for the following four reasons:

1. *Objective INF 5-13 of the County Development plan states:*

(a) It is a general objective to implement the policies and guidelines of the Department of Environment, Heritage and Local Government and of the Office of Public Works in relation to flood plains and areas sensitive to flooding.

(b) It is an objective of this Plan to strongly discourage development, which is sensitive to the effects of flooding, unless justified as essential in terms of sustainable and proper planning, and, if so justified, incorporates measures to reduce and manage flooding risks to the development itself and elsewhere to the satisfaction of the planning authority, as developed through an appropriate flood risk assessment.

Developments that are less sensitive to the effects of flooding, such as playing pitches, parks and car parks, may be permissible in flood plains, provided they do not significantly reduce the flood plain area or otherwise restrict flow across floodplains.

The Planning Authority is not satisfied the proposal is consistent with Objective INF 5-13 of the County Development Plan such that the development would be consistent with the proper planning and sustainable development of the area, given the location of the site partially within Flood Zone A and B and upstream of an area that has suffered significant flooding.

2. *The proposed development would be prejudicial to public health because the site is located in close proximity to/in the flood plain of the River Owenboy where the likelihood of flooding would significantly increase the risk of water pollution.*

3. *Having regard to the proposed private on site wastewater treatment system (developer provided), and Irish Water policy with regard to not taking in charge, the Planning Authority is precluded from granting the proposed development.*
4. *The Planning Authority is not satisfied, on the basis of the information submitted with the application, in relation to the proposed waste water treatment system, that the development would not be prejudicial to public health. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

3.2.2. The **Senior Executive Planner** (case officer states that given the concerns outlined by Inland Fisheries Ireland and the OPW, the objection from nearby residents downstream, and in the absence of any supporting engineering reports, and given the Planning and Flood Risk Management Guidelines 2009, which advocated avoidance and the precautionary approach, [the Planner] cannot support the current proposals. It is further stated that the proposed treatment plant is also not advocated by Irish Water and/or Cork County Council as per recent management advice. The Case Planner recommended that permission be refused for four reasons relating to flooding, public health and increase risk of water pollution, private wastewater treatment system and prejudicial to public health.

3.2.3. The **Senior Planner** noted the Case Planners report and agreed with the recommendation that the WWTP is unacceptable and the proposed development including the WWTP is within a flood plain, that the proposal is not in accordance with the proper planning and sustainable development of the area and therefore I recommended refusal for 4 reasons relating to flooding, public health and increase risk of water pollution, private wastewater treatment system and prejudicial to public health.

3.2.4. **Other Technical Reports**

3.2.5. A Memo issued by email from the **Director of Services for Planning**, Cork County Council dated 17/08/2016 is recorded within the body of the Case Planners Report.

It states that *Irish Water's present policy is not to take in charge Developer Provided Infrastructure unless otherwise indicated in writing by Irish Water during preplanning discussions between a Developer and Irish Water, Cork County Council will not be in a position to grant planning permission for such a development.*

- 3.2.6. The **Estates Engineer** in their report of 28/07/2016 recommended that further information be sought relating to finished floor and road levels, proposed road layout should be revised / redesigned to avoid long relatively straight sections of road, more detail re the proposed entrance and access road works should be provided, proposed storm attenuation system and how the proposed system fits into the layout & proposed levels of the site, proposals for the removal and relocation of overhead cables and poles should be provided, detailed boundary treatment proposals for all boundaries, foul sewers gradient, proposals for the diversion of the existing trunk watermain crossing the site should be provided and detailed proposals for the proposed WWTP.
- 3.2.7. The **Road Engineer** in their report of 23/08/2016 requested further information pertaining to sightlines, road widths and provision of a footpath.
- 3.2.8. The **Area Engineer** in their report of 26/08/2016 requested the following further information:
- Storm and foul sewer pipe network design with plan and long section drawings.
 - Waste water treatment plant design
 - Storm water attenuation detailed design
 - Water main design and layout showing locations of hydrants; air valves, scour valves etc.
 - Road design including; geometric design; pavement design; sight distance; traffic calming; pedestrian routes, domestic boundary treatments and services layout.
 - Public lighting design
 - Boundary treatments; in particular, for open spaces.

With regard to flooding on the site it is submitted that the key issue with the FRA is not whether the proposed properties will flood but what are the consequences of this development in a catchment where there are already prominent flooding issues. It is noted that the OPW have made an observation on the file which would suggest that the results of the CFRAMS study have been shown to be unreliable. Requested that the applicant produce a computer model that shows the following:

- The flooding of lands on the opposite side of the stream where bunds are only used on one side of the watercourse.
- The worst case flood level scenario in relation to the observed CFRAMS inaccuracies.
- Also requested that the applicant move the WWTP out of the floodplain.

3.2.9. The **Public Lighting** Report of 22/07/2016 has no stated objection to the grant of permission on public lighting grounds subject to condition(s) set out in the report.

3.2.10. The **Housing Officers** Report of 03/08/2016 states that the unit size proposed is too large for social housing purposes and far exceeds the floor area guidelines set out in the DOECLG's Quality Housing for Sustainable Communities Guidelines, (target floor area is 100 sq. m). In this regard it is recommended that this development be deferred to allow the redesign of the proposed part V units to ensure they are best suited for Social Housing purposes.

3.2.11. The **Water Services** Report of 30/08/2016 states that there is a 18inch diameter asbestos trunk running through this site, a watermain diversion of 450mm diameter ductile iron is recommended and further information is required from the applicant.

3.3. **Prescribed Bodies**

3.3.1. The **Office of Public Works** in their report of 11/08/2016 sets out the following:

- There have been recurring flooding issues a short distance downstream.
- The site specific flood risk assessment takes some comfort from estimated flood levels that are similar to and comparable to the Lee CRFAMS. This coupled with recurring flooding of properties in Ballinhassig area is a cause of concern.

- Houses upstream of Paddys Bridge in Ballinhassig (less than 1km downstream of proposed development) have experienced flooding a number of times in recent years and in particular in 2009 and on further occasions since
- In 2009 flood levels experienced were 0.8m higher than the one-hundred-year level predicted by the Lee CFRAMS study
- The flooding of the houses over recent years indicated recurring events where the actual flood levels have exceeded the one-hundred-year level as predicted in the Lee study.
- Also, at Ballea just upstream of Carrigaline and downstream of proposed site, it has been found that since the Lee CRFRAM study that design flows need to be double what they were in the Lee CFRAMS study based on a review of information from a river level gauge at Ballea.
- Also, two thirds of the site seems to be within the Benefitting Area of Ballinhassig Drainage District and as a general rule the OPW would advise that land within such benefitting areas would be considered to be at risk from flooding

3.3.2. The **Inland Fisheries Ireland** (IFI) in their report raise serious concerns regarding the proposed development for the following reasons:

- Loss of natural floodplain in an area immediately upstream of an urban centre which has been subjected to flooding in recent years.
- Failure to assess the assimilative capacity of the proposed receiving waters for effluent from the proposed development
- Lack of clear proposed effluent discharge standards
- Proposal to interfere with fish bearing water without any consultation with IFI

3.3.3. **Irish Water** have no stated objection to the scheme.

3.4. **Third Party Observations**

3.4.1. There is a detailed objection from the Residents of Tulligmore, Tulligbeg and Ballinhassig. Their concerns relate to flood risk management, increased runoff to

Owenabue river during periods of high rainfall results in flooding of residences downstream, facts within flood risk assessment report inaccurate, inconsistency that there would be no significant impacts on downstream flooding with loss of floodplain, need for independent study for state of Owenboy river, site identified in LAP as within an area at risk of flooding, lack of maintenance of Owenboy river and its capacity to handle rate of inflows, serious existing deficiencies in wastewater infrastructure as outlined in LAP, reed bed system inappropriate for an area prone to flooding, need for channel improvement and mitigation works and recent flooding in 2009 and 2015 has been devastating. Photographs are attached showing serious flooding of river Owenboy and housing at Ballinhassig downstream of site.

4.0 **Planning History**

Reg Ref 07/4138 – Permission granted for a development of 46 no dwelling houses, effluent treatment plant with wetlands, over ground gas tanks, entrance and associated site works and services.

Reg Ref 07/13055 - Permission granted for 41 dwellings, installation of effluent treatment plant with wetlands and control house, over ground gas tanks and construction of entrance (change in design, layout and density to permitted development 07/4138).

Reg Ref 13/5043 - Extension of duration to permission granted under Reg Ref 07/13055 for 5 years.

4.1. There was a previous appeal on lands immediately south of the appeal site that may be summarised as follows:

PL04 233870 (Reg Ref 09/1131) – Cork County Council decision to grant permission for 112 Houses and two site entrance and site access roads, 2 play areas, three recycling facility points, a riverside pedestrian walkway, temporary wastewater treatment plant and associated site development works was appealed by the Southern Regional Fisheries Board. The Board refused permission for the following four reasons as summarised:

- Prematurity pending public sewer and temporary wastewater treatment plant to serve the development

- Board not satisfied river has sufficient assimilative capacity to accept treated effluent from a temporary wastewater treatment plant from the proposed development
- Risk of flooding and safe pedestrian access to the village, and lack of regard to flooding characteristics of the river and poor interface/design and layout
- Proposal contrary to Sustainable Residential Development in Urban Area 2008 which cautions against excessive levels of development in smaller villages- and also the scale of development on an attractive hillside forming the backdrop of the village

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Cork County Development Plan 2014**. The site is within the development boundary for Ballinhassig and zoning policies have been determined within the context of the **Carrigaline Electoral Area Local Area Plan** (2015 update). Expanding upon the County Level Settlement Hierarchy designation of Ballinhassig as a village (one of four including Ballygarvan, Minane Bridge and Waterfall), the settlement hierarchy of the CEALAP designated Ballinhassig as the village with the most targeted growth of any village in the electoral area. The following policies are relevant:

- *DB-01 – (a) Within the development boundary of Ballinhassig it is an objective to encourage the development of up to 70 additional dwelling units in the period 2010-2020 and (b) Any one proposal for residential development in Ballinhassig shall not normally be larger than 20-25 housing units.*
- *DB02 - It is an objective that new development;*
 - a) consolidate and strengthen the existing village core,*
 - b) is sympathetic to the scale and character of the village,*
 - c) allow for sufficient set back from the main road (R613), which will allow for appropriate footpaths and traffic calming measures,*
 - d) respect the views and settings of the village.*

- *DB03 - It is an objective to secure the provision of a Wastewater Treatment Plant to serve the planned levels of growth in the village and that all development connect to this plant. Notwithstanding the scale of growth outlined in objective DB-01 above, in the absence of a public wastewater treatment plant, development shall be limited to individual dwellings. Each dwelling unit shall be served by private individual treatment unit and shall provide a sustainable properly maintained private water supply. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality. Any new dwellings with individual wastewater treatment must make provision for connection to the public system in the future.*
- *DB08 - All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives FD1-1 to FD 1-6 detailed in Section 1 of this Plan, 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 objectives FD1-4, 1-5 and 1-6.*

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

6.0 The Appeal

- 6.1. The First Party appeal has been prepared and submitted by Butler O’Neill Total Planning Solutions on behalf of the applicant and may be summarised as follows:
- 6.2. The applicants nor their appointed suitably qualified team of professionals could not have foreseen that the accepted base line for the data for the Flood Risk Assessment would be rejected by the Local Authority given that a robust data source was used. Certainly, it was not anticipated that following a request from a Senior Planner in the planning policy section of Cork County Council that the departmental

body (OPW) would comment on the application by discrediting the use of their own public data.

- 6.3. The OPW explicitly stated that it did not object to the proposed development and highlighted the quantitative basis for their concerns with the flood levels and suggested that the applicant submit a new Flood Risk Assessment based on the revised information. It is considered that the applicant was not given a fair chance to reproduce the FRA on the basis of the suggested revised levels as provided by the OPW at the two points Ballea and Paddy Bridge.
- 6.4. The revised flood study examines the impact of a range of high flood flows on water levels at the site, the adjoining lands and the houses upstream of Paddy's Bridge. Submitted that the model results show that there will be no impact on water levels at the houses upstream of Paddy's Bridge and that the proposed revised layout will result in a reduction of 30mm in water levels upstream of the site over those predicted for the existing topography.
- 6.5. The WWTP has been moved in the revised proposal out of the area considered to be at risk of flooding, in addition the WWTP has achieved greater distances from the river and adjoining dwellings. This has been achieved through a reduction in the number of dwellings (houses no 49 – 53 omitted), longitudinal sections detailing same accompany this appeal. Further the re-diversion of the existing 450mm asbestos watermain would have to be extended further eastwards so that to free up further space within the proposed open space. Originally the proposal has positioned the wastewater and wetlands system within a flood plain with an engineered bund surrounding these facilities to protect them from rising flood waters. In addition, the new location will satisfy all separation distances (50m) from the nearest dwelling. This will also increase the area of flood plain within the open space between the proposed access road and address the concerns articulated by the Council Engineer.
- 6.6. The minimum design road and floor level was originally designed at 30.5m based on the 100-year flood water level at the site to be in the region of 29.24m as estimated by the Lee CFRAM. Therefore, an appropriate design level to allow for future climate change and other uncertainties was thought to be at least 30.25m (29.25m +

1.0m). As recommended by the revised Flood Risk Assessment the FFL and Road levels have been increased to 30.6m.

- 6.7. The proposed WWTP has been discussed with Irish Water who have no objection to it provided a management company is set up as it will not be taken in charge.
- 6.8. A two kilometre section of the river has been modelled. The model is based on updated detailed topographic surveys undertaken by Murphy Surveys Ltd. The modelled river reach includes the houses upstream of Paddy's Bridge. The modelled flood levels in this area are consistent with LeeCFRAMS data for the 100-year flood flow of 21m³/s. The model show that if the flood flow is doubled to 42m³/s then the predicted water level adjacent to these houses will rise by about 0.6m.
- 6.9. The results of the revised assessments state that the existing permission for development on the site would if implemented result in the estimated loss of flood plain area ranging from 9700 sqm to 15000 sqm from flood water levels of 29.25m and 30.25m respectively. The net loss of flood plain area under the current proposals range from 3000 sqm to 8000 sqm for flood water levels of 29.25m and 30.25m representing a much improved situation.
- 6.10. Under the revised layout proposal, a grassed area will be maintained along the Rearour Stream. This will accommodate flood flows and there will be no need to implement the flood management proposals advocated under the existing permission. Therefore, there will be no need to interfere with the stream.
- 6.11. The applicant accepts that the data submitted as part of the FRA was deemed to be unreliable. . Having now submitted the revised FRA which illustrates that flooding will not be exacerbated in the village or occur on site as a result of the development of the proposed scheme it is considered that the risks have been accurately mitigated / alleviated / proved to be non-existent where applicable.
- 6.12. As the FRA proposed that the minimum design road or floor level be increased to 30.6m the design has been revised to accommodate this revision.
- 6.13. With regard to the submission from Inland Fisheries it is considered that because there is no bund and the waste water treatment plant has been moved out of the floodplain that the major concerns have been expressed.

6.14. The appeal was accompanied by a copy of the planning statement submitted with the planning application, an “updated” Flood Risk Assessment (September 2016), the original Flood Risk Assessment (June 2016) and revised drawings.

6.15. **Planning Authority Response**

6.15.1. There is no response from the Planning Authority recorded on the appeal file.

6.16. **Observations**

6.16.1. There is a detailed submission from the Residents of Tulligmore, Tulligbeg and Ballinhassig recorded on the appeal file. The issues raised are similar to those raised in their objection to the planning authority and relate to flood risk management, flood risk mitigation measures, LAP Strategic aims and protection of downstream properties, provision of waste water infrastructure, River Owenboy and channel improvement and the devastating effect of flooding on residences.

7.0 **Assessment**

7.1. In response to the notification of decision to refuse permission the applicant has submitted amended layout plans for the scheme and reduced the number of units proposed from 53 to 48. Further the waste water treatment area has been relocated further north within the site. Accordingly, this assessment is based on the plans and particulars submitted to the planning authority as amended by plans received by An Bord Pleanála on **27th September 2016**.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application, the planning history pertaining to the site and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Flooding
- Wastewater Disposal
- Development Contribution(s)

- Screening for Appropriate Assessment

7.3. Principle / Policy Considerations

- 7.4. Under the provisions of the Carrigaline Electoral Area Local Area Plan (January 2015) the appeal site is wholly contained within an area zoned "Settlement Boundary". It is also noted that a significant portion of the site is designated as Flood Zone A & B (flooding discussed separately below). Objective DB-01 of the LAP states that (a) within the development boundary of Ballinhassig it is an objective to encourage the development of up to 70 additional dwelling units in the period 2010-2020 and that (b) any one proposal for residential development in Ballinhassig shall not normally be larger than 20-25 housing units. Further Objective DB02 states new development should consolidate and strengthen the existing village core.
- 7.5. As documented previously the site has an extant permission for 41 units, wastewater treatment unit and reed bed system which is valid until June 2018. It is noted that the current scheme before the Board has an increased site area from that previously permitted. The applicant states that while they are fully entitled to develop the currently active planning permission, they have decided to address some of the key aspects of development, primarily access and flooding, in order that the proposed scheme once realised contributes more positively to the area. It is further stated that should the applicant be unsuccessful in gaining planning permission for the proposed development they intend to develop the scheme as permitted by extension 2013.
- 7.6. Despite its metropolitan location, Ballinhassig has a very rural feel to it and as documented in the LAP there has been very little development in the village over the last and any new development which has occurred has been large single dwellings. The lands which were zoned specifically for residential development in 2005 have remained undeveloped. Further the LAP states that the current housing stock within the village boundary is 29 dwelling units and it is estimated that this figure could triple within the lifetime of this plan. This plan proposes that if the infrastructure issues are addressed Ballinhassig could cater for a further 70 units.
- 7.7. For the most part I agree with the applicant that, given that the site is zoned for residential development, together with Objective DB-01(a) and the fact that there is an extant permission, there should be a reasonable presumption in favour of

development at this location. However Objective DB-01(b) and DB-02 are very clear that Ballinhassig should be developed incrementally and sequentially. This is in line with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) (May 2009) whereby the overall order and sequencing of development of small towns and villages must avoid significant so call “leap-frogging” and that preference should be given to undeveloped lands closest to the town in the first instance. Having regard to the Settlement Map for Ballinhassig it is considered that to permit this residential development at a location that is removed from the village centre and where there appears to be undeveloped land closer to the natural core of the village would militate against the requirement to develop sequentially from the village core outwards as required by the Guidelines and implied by the LPA objectives for the village and would be inappropriate. Accordingly, to permit 48 units (as amended) at this location would be contrary to the LAP. Refusal is recommended.

7.7.1. **Flooding**

7.7.2. The valley floor of the Owenboy River is prone to flooding and as set out in the Carrigaline Electoral Area Local Area Plan (January 2015) parts of Ballinhassig have been identified as being at risk of flooding. In particular, a significant portion of the appeal site is designated as Flood Zone A & B. The LAP states that it is important that any potential for development in this area is adequately assessed to avoid the risk of flooding and to avoid the risk of pollution to the Owenboy River. The areas at risk follow the path of the river through the village and are illustrated on the settlement map. Specifically, the indicative flood risk maps show that a large portion of the land to the east of the village and within the appeal site is under risk of flooding. Government Guidelines require that *that future development is avoided in areas indicated as being at risk of flooding.*

7.7.3. Objective INF 5-13 of the County Development plan states that is a general objective to implement the policies and guidelines of the Department of Environment, Heritage and Local Government and of the Office of Public Works in relation to flood plains and areas sensitive to flooding and to strongly discourage development, which is sensitive to the effects of flooding, unless justified as essential in terms of sustainable and proper planning, and, if so justified, incorporates measures to reduce and manage flooding risks to the development itself and elsewhere to the

satisfaction of the planning authority, as developed through an appropriate flood risk assessment. Further Objective DB-08 of the LAP states that *all proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives FD1-1 to FD 1-6 detailed in Section 1 of this Plan, 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 objectives FD1-4, 1-5 and 1-6.

7.7.4. The application was accompanied by a Site Specific Flood Risk Assessment and that appeal was accompanied by an updated Site Specific Flood Risk Assessment in response to the notification of decision to refuse permission. Having regard to the information available on file I am not satisfied that the potential impacts of the proposed development in terms of flooding have been established in the application or that the type of development proposed is appropriate for this flood Zone A & B. I consider that the proposed development would exacerbate the risk of flooding in the area and that the measures proposed to appropriately deal with surface water and the potential flooding of this site have not been demonstrated. Refusal is recommended.

7.8. **Wastewater Disposal**

7.8.1. The third substantive issue to be considered relates to the provision of a wastewater treatment facility by the applicant to serve the development.

7.8.2. According to the Carrigaline Electoral Area Local Area Plan (January 2015) to allow the village to develop in an orderly manner, any new development should be served by a sewage system, with the capacity or potential to cater for all existing development and other lands within the development boundary. However, there is no public sewer serving the village and to date development has relied upon individual septic tanks. Section 6.4.6 of the LAP states that this plan recognises that there are serious deficiencies in wastewater infrastructure and so new development in Ballinhassig of the scale outlined above can only proceed on the basis of the provision of satisfactory sewage disposal arrangements. Cork County Council’s “Assessment of Water Services Needs 2010-2012” states that Ballinhassig requires a new waste water treatment plant and a sewage collection system. However, the funding required to provide for these infrastructure improvements were not included

on the Water Services Investment Programme 2010-2012 and so this infrastructure deficiency is likely to impact on the development potential of the settlement. If the planned investment in wastewater treatment infrastructure cannot be delivered, the development potential of Ballinhassig will be limited to a small number of individual houses with their own wastewater treatment facilities because of their cumulative environmental effects.

7.8.3. Objective DB03 of the LAP states that it is an objective to secure the provision of a Wastewater Treatment Plant to serve the planned levels of growth in the village and that all development connect to this plant. Notwithstanding the scale of growth outlined in objective DB-01 above, in the absence of a public wastewater treatment plant, development shall be limited to individual dwellings. Refusal is recommended.

7.8.4. Notwithstanding the obvious and serious concerns with regards to the principle of installing an “interim” treatment plant to facilitate this multiple residential development I would add that by and large private treatment plants are notoriously difficult to control, regulate and monitor and as such should be strongly discouraged particularly where there is no certainty in respect of the future delivery of a public treatment plant. It is also considered that were any malfunction or failure of the proposed treatment system to occur at this location there would be a significant risk to public health and nuisance to residents by reason of odour, noise and a loss of valuable amenity space. Furthermore in the absence of any planned investment in the existing network in Ballinhassig under the Water Services Investment Programme 2010 – 2012 I consider that to permit such a development would be unsustainable and prejudicial to public health. Refusal is recommended.

7.9. **Development Contribution(s)**

7.9.1. **Development Contributions** – Cork County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended). Having considered the exemptions listed in the “Reduced Contributions” Section of the scheme it is my view that the proposed development does not fall under the exemptions listed and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.9.2. **Supplementary Development Contribution** - In relation to the Section 49 Supplementary Development Contribution Schemes (re-opening of an operation of suburban rail services on the Cork to Middleton line; provision of new rail services between Blarney and Cork and the upgrading of rolling stock and frequency on the Cobh rail line as demand increases) it is noted that the subject site is located outside the catchment area of these projects and therefore the Section 49 scheme is not applicable in this case.

7.10. **Screening for Appropriate Assessment**

7.10.1. I refer to the Appropriate Assessment Screening report submitted with the planning application. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site (Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058)), no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. Having considered the contents of the application, the provision of the Cork City Development Plan 2014, the Carrigaline Electoral Area Local Area Plan (2015 update), the provisions of government guidance, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **REFUSED** for the reasons and considerations set out below.

9.0 **Reasons and Considerations**

1. Objective INF 5-13 of the County Development plan states:

(a) It is a general objective to implement the policies and guidelines of the Department of Environment, Heritage and Local Government and of the Office of Public Works in relation to flood plains and areas sensitive to flooding.

(b) It is an objective of this Plan to strongly discourage development, which is sensitive to the effects of flooding, unless justified as essential in terms of

sustainable and proper planning, and, if so justified, incorporates measures to reduce and manage flooding risks to the development itself and elsewhere to the satisfaction of the planning authority, as developed through an appropriate flood risk assessment.

Developments that are less sensitive to the effects of flooding, such as playing pitches, parks and car parks, may be permissible in flood plains, provided they do not significantly reduce the flood plain area or otherwise restrict flow across floodplains.

The Board is not satisfied the proposal is consistent with Objective INF 5-13 of the County Development Plan such that the development would be consistent with the proper planning and sustainable development of the area, given the location of a significant section of the site partially within Flood Zone A and B and upstream of an area that has suffered significant flooding.

2. Objective DB03 of the Carrigaline Electoral Area Local Area Plan (2015 update) states that it is an objective *to secure the provision of a Wastewater Treatment Plant to serve the planned levels of growth in the village and that all development connect to this plant. Notwithstanding the scale of growth outlined in objective DB-01 above, in the absence of a public wastewater treatment plant, development shall be limited to individual dwellings.* This objective is considered reasonable. The proposed development would be premature pending the availability of a public sewer and wastewater treatment plant to serve existing development and to facilitate the orderly expansion of the village of Ballinhassig, as set out in the Carrigaline Electoral Area Local Area Plan, January 2015. Having regard to the proposed private on site wastewater treatment system (developer provided), the proposed development would therefore be contrary to the policies of the development plan and would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the scale and character of the village of Ballinhassig, and to the “Sustainable Residential Development in Urban Areas Guidelines” issued by the Department of the Environment, Heritage and Local Government in December, 2008, which caution against excessive levels of residential development in smaller villages and support a sequential approach to development, as supported by Objective DB-01 of the Carrigaline Electoral Area Local Area Plan (2015 update) where any one proposal for residential development in Ballinhassig shall not normally be larger than 20-25 housing units and Objective DB-02 where it is an objective to consolidate and strengthen the existing village core together with the scale of the proposed development which includes a substantial number of houses (as amended) the Board is not satisfied the proposed development would not be contrary to the said Guideline and the Carrigaline Electoral Area Local Area Plan (2015 update). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Mary Crowley,
Senior Planning Inspector
10th January 2017