



An
Bord
Pleanála

Inspector's Report PL04.247875.

Development	Construction of 70 houses and all ancillary works, previously permitted under 06/8157 and 12/4853.
Location	Abbey Wood, Baneshane, Midleton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	15/6969
Applicant(s)	Jim Luby & Tim Rodgers
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party
Appellant(s)	David O'Gorman
Observer(s)	None.
Date of Site Inspection	29 th March 2016
Inspector	Fiona Fair.

1.0 Site Location and Description

The site, with a stated area of 2.1 ha, is located approx. 2km to the SW of Midleton town centre close to the Western extreme of the “Midleton Environs” development boundary. The site is bounded to the North by the N25 and the South by a local road L-3619. The section of the L-3619 Ballyvaddock Road / Baneshane Road passing the site has (generally) a 9.0m wide carriageway and includes right turn lanes to serve the appeal site. It has a grass verge, cycle track, footpath and public lighting on both sides of the road. The Ballyvaddock Road / Baneshane road links the site to the Baneshane Roundabout which is the closest major public road junction to the site. There has been some significant road improvements in the vicinity of the appeal site including a new 4-arm roundabout and upgrade of the L-3619 heading west adjacent to the site. The public road serving the site and surrounding lands is referred to as the Baneshane Road for the remainder of this report.

East and West of the site are currently green fields although the field to the east is comprised of extensive rock outcropping (Whitegate rock). The site forms part of a much larger parcel of land whereby permission was granted for 403 houses by Cork County Council in 2006 (Reg. Ref. 06/8157 Castelands scheme).

Reg. Ref. 06/8157 was part implemented with only 14 of the permitted dwellings ever constructed (Abbey Wood). These dwellings are located on a separate site to the South of Baneshane road directly opposite the proposed entrance to the subject site. Much of the infrastructure to support this development was installed and the entrance to the subject site has been fully set out and comprises a 2m high natural stone boundary wall to the Baneshane Road with bell shaped entrance and stone piers.

At the time of my site inspection the appeal lands were in agricultural use for animal grazing. While the northern portion of the lands comprises small green fields the

southern portion of the lands is comprised of gorse bushes. A small stream (named Oatencake stream on www.epa.ie) runs along the south – western corner of the site. A vacant two storey dwelling is located to the east of the appeal site, east of 'Whitegate rock', at a raised ground level. A second habitable two storey dwelling is located to the north western boundary of the appeal site fronting the N25 and accessed via a private laneway from the west which runs parallel with the N25. Both dwelling houses are adjoining and not included within the appeal site boundary.

2.0 Proposed Development

The proposed development comprises a residential development of:

- 70 no. dwelling houses
- Access,
- Parking,
- All associated ancillary development works including footpaths and drainage (includes the provision of a pumping station),
- Landscaping and amenity areas

The proposed residential development will replace 74 no residential units previously permitted under Reg. Ref. 06/8157 which was extended under Reg. Ref. 12/4853

The following reports were submitted with the application:

- Flood Risk Assessment
- Services / Infrastructure Report
- Appropriate Assessment Screening Report

The following reports were submitted by way of further information:

- Traffic & Transport Assessment
- Revised Screening Report for Appropriate Assessment
- Revised Flood Risk Assessment Report
- Flow Survey Report

3.0 Planning Authority Decision

3.1. Decision

Following a request for Additional Information with respect to:

1. Roads and Transportation

Applicant requested to demonstrate how the main access road (L-3619) to the site will be completed/reinstated in relation to: -

- signalised pedestrian crossings;
- road line markings;
- testing/commissioning of existing redundant traffic lights;
- and appropriate signage west of the roundabout.

2. New or updated Traffic & Transportation Assessment

In preparing the assessment the applicant was requested to note the submission of Transport Infrastructure Ireland where it is stated that this development needs to be assessed in light of current traffic patterns and the absence of the upgrade to the N25.

Flood Risk

3. Detailed analysis of how the additional hydraulic load from the proposed development will impact on the existing Owenacurra catchment area, into which surface water from the site discharges.
4. Demonstrate how a 675mm diameter pipe will have sufficient capacity to transport the water volume of the existing open stream during an exceedance event and how lands upstream of this piped section will be affected if a blockage occurs.
5. Detail (e.g. flood path mapping, etc.), how flood waters will be routed within the development in the case that the surface water system and attenuation area exceed capacity,

Layout

6. Details of proposed boundary
7. Turning areas

8. Traffic calming
9. Improvement of sightlines
10. Footpaths
11. Noise barrier should be constructed adjacent to houses 1, 24 and 25-32 to mitigate noise impacts from the N25.
12. Proposals for rock blasting if required
13. Proposals to upgrade the existing cycleway adjacent to the proposed development
14. Proposals for public lighting

Services

15. Foul sewer shall comply with minimum gradients
16. Details of agreement with IW with respect to the design of the pumping station.

And a request for Clarification of Further Information with respect to:

1. Traffic and Transport Assessment (TTA) undertaken in support of this application did not assess the impact of the development traffic on the N25 on-slip which is already constrained.
2. Vehicular entrance into the site needs to be modified by means of reduction of kerb radii and improved pedestrian crossing facilities so as to comply with the requirements of the Design Manual for Roads and Streets (DMURS)
3. Flood Risk Assessment needs to be revisited, and the assumption that the site is within zone C cannot be relied upon.
4. The Standard Annual Average Rainfall figure used of 1047.2mm may also be questioned as to its accuracy and/or relevance to obtaining accurate design flood estimation for this location; clarification is sought on how the SAAR figure was obtained.
5. - Further details are required as to the exact volumes and Dry Weather Flows of the existing stream which runs through the site, both upstream and downstream of the point where it enters the underground cave system to ensure that an accurate assessment of volumes discharging into the existing 1200mm diameter storm pipe is obtained.

- Evidence of the groundwater levels at the site and demonstrate that the proposed sewers and surface water attenuation system is not at risk from high ground water table and groundwater infiltration.
6. Clarification of the boundary treatment with respect to the turning head area serving H1 to H9 (this falls outside the red line boundary of the site).

Planning Permission was granted subject to 56 number conditions. Conditions of note include:

4. The finished floor levels of the dwellings shall be constructed in accordance with the levels shown on the layout drawing no. Y15 312/PL/100 submitted on the 18th November 2016.

6. Security Bond

10. Dwellings shall not be occupied until the watermain, foul sewer, storm sewer (including attenuation tank) and public lighting serving the dwellings are installed and functioning to the satisfaction of the Planning Authority and until a bond has been provided by the developer to ensure the satisfactory completion of the estate.

15. The Developer/Applicant shall provide a live surface water storage attenuation volume as per the submission. Prior to commencement of development the Developer shall submit to the Planning Authority for approval proposals to protect the proposed sewers, pumping station and surface water attenuation system from high ground water table and groundwater infiltration. The final details of the attenuation tank/system shall be to the satisfaction of the Planning Authority.

24. Drainage shall be on separate systems,

27. Agreement for phasing required

30 Cycle-path along the local road (L-3619) to be repaired

35. The Developer shall complete the proposed new pipe culvert and clean out the existing 1200mm pipe culvert prior to the occupation of housing.

51. The developer shall pay a special contribution of €150,000.00 to Cork County Council, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of improvements to the slip road at the N25.

55. The developer shall upgrade the size of discharge pipe from the attenuation storage to the satisfaction of the Planning Authority. The discharge pipe shall be

connected directly into the new 1200mm diameter surface water discharge pipe unless otherwise agreed with the Planning Authority. Details shall be submitted and agreed with the Planning Authority prior to commencement of construction.

56. The developer shall agree the details of the flow control chamber with Planning Authority prior to commencement of the construction. The flow from this development shall be limited to the Qbar allowable discharge rate 19.98l/s as per design calculations submitted.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- There are a number of planning reports on file, the final report prior to grant of permission by the A/Senior Planner, 14/12/16, is summarised as follows:

‘The site is zoned for residential development and this zoning is proposed to be continued in the Draft LAP. There is a live permission for a denser level of development on the site. The site has flooded recently and an updated flood risk assessment is submitted. It argues that the flooding was associated with failures in the surrounding artificial drainage network rather than directly associated with floodplain issues. A new culvert is proposed and the AE accepts both the revised flood risk assessment and the proposed new pipework, which would be expected to alleviate future flooding in the Water Rock area to the north of the site. In relation to traffic, while an upgrade to the N25 interchange is not likely, a special can be levied to fund safety improvements to the slip road onto the N25 which will have a wider benefit’.

3.2.2. Technical Reports

- Traffic and Transportation Report: No objection subject to condition
- Area Engineer: No objection subject to condition
- Estates Engineer: No objection subject to condition.
- Public Lighting: No objection subject to condition.

- Cork National Roads Office (NRDO): No objection
- Housing Officers Report: No objection

3.2.3. Other Technical Reports

- Irish Water: No objection subject to conditions
- Inland Fisheries Ireland (IFI): No objection subject to conditions
- Transport Infrastructure Ireland (TII). Prior to FI and CFI report requested that the current proposal needs to be re-considered. An updated / new TTA is required.

3.3. Prescribed Bodies

The file was referred by the Board to the Heritage Council, DAU and TII.

A report was forthcoming from TII It sets out that TII is satisfied that the Council assessed the impact of the proposed development on the adjoining national road network and identified required mitigation proposals which are to be funded by the developer. Requests that condition number 51 of the Councils decision to grant permission is reiterated in the Board's decision.

3.4. Third Party Observations

A number of third party submissions were received. The issues raised are similar to those raised in the third party appeal, summarised in detail, below.

4.0 Planning History

- 4.1. **Reg. Ref. 06/8157** Planning Permission granted to Castlelands Construction Ltd for demolition of dwelling and existing farm buildings and construction of 435 no. dwelling houses comprising of 200 no. four bed units, 99 no. three bed units, 114 no. two bed units and 22 no. one bed units, crèche with outdoor play area, 2 no. tennis courts/hard surface play areas, football pitch, all weather pitch, Naionra preschool facility, Gaelscoil primary school, site developments works, access provisions including integrating with public road, associated road realignments, upgrading and

permitted roundabout, pedestrian crossings, bus pull-ins, boundary walls, surface car parking, landscaping , public lighting and infrastructure/services provisions.

Condition 2 states that permission is hereby granted for 403 no. dwellings units only.

- 4.2. This permission was subsequently extended for a further 5 years under **PI Ref No. 12/4853**. This permission will now expire on the 10/5/2017

- 4.3. **Reg. Ref. 09/5973** (adjacent site to West) Permission sought by Castlelands Construction Ltd for the construction of 3no. office based industry buildings with total floor areas of 5021sqm ranging from three to five storeys in height, single light industrial building with total floor area of 2296sqm divided internally into 10 no. separate units with first floor office area, 2no. bin stores to service office based industry buildings, revisions to the foul & surface water drainage & watermains layouts permitted under file no. 06/8157 to include the addition of a surface water attenuation tank, and all site development/enabling works & ancillary site services. This application was ultimately withdrawn.

- 4.4. **Reg. Ref.14/5438** (adjoining site to the south east) Permission Granted (in 2015) for construction of new two-storey primary school building which comprises of 24 no. general classrooms, general purpose hall with servery area, staff room, library and resource room, special educate tuition rooms, offices, staff areas, sanitary and ancillary accommodation. Proposed site works to include provision of 37 no. surface car parking spaces including accessible parking via new internal vehicular and pedestrian access from existing site entrance, new internal access road to include bus turning circle, drop-off and pick-up facilities. External works to include bicycle parking, formation of 3no. basketball courts, junior play area, external bin store, ESB substation and ancillary site works.

5.0 Policy Context

5.1. Cork County Development Plan 2014

Objective HOU 4-1 – Medium ‘A’ density residential development will be applicable in city suburbs, larger towns over 5,000 population and rail corridor locations and should generally be between 20-50 dwellings per hectare for areas zoned medium density.

In terms of recreation and amenity:

Objective SC 5-2 - a) Public Open Space within Residential development shall be provided in accordance with the standards contained in ‘Cork County Council Recreation & Amenity Policy’, the ‘Guidelines on Sustainable Residential Development in Urban Area’ and ‘Making Places: a design guide for residential estate development. Cork County Council Planning Guidance and Standards Series Number 2’.

b) promote the provision of high quality, accessible and suitably proportioned areas of public open space and promote linking of new open spaces with existing spaces to form a green infrastructure network.

Objective SC 5-4 –‘seek opportunities to improve the quality and capacity of existing recreation and amenity facilities, through initiatives with both public and private sector (sports governing bodies, local community partnerships and private development proposals) and where appropriate the Council will use its powers under Section 48 of the Planning and Development Act 2000 to require development levies to achieve the enhancement of these facilities.

The Midleton Electoral Area Local Area Plan 2011 Vol 1 2nd Ed Jan 2015

The site is located within the Midleton environs development boundary and is zoned R-01: Medium A Density Residential Development.

Section 3.4.7 Residential Areas as it relates to Specific Objective No. R-01 is of specific relevance. Excerpt attached as Appendix to this report.

The Draft LAP was published in November 2016.

The specific Objective as it relates to the subject appeal sites is proposed to be identified as MD-R-01 the site identified as 29.7 hectares remains medium A density residential development: “....In submitting proposals for the development of this land, the developer will be required to demonstrate, to the satisfaction of the planning authority, that the proposals for this land can, in future, be satisfactorily integrated with other land in the Baneshane area and linked to the town centre, its railway station and the site identified in this plan as a possible second station to serve the town at Water Rock; no new houses shall be commenced until the community and recreational facilities are commenced by the developer and the development of new houses shall be limited to 400 in number until such time as the new grade separated junction with the N25 is completed by either Cork County Council or by way of Public Private Partnership with the developer”.

The site is identified as a Flood Risk and A TIA and RSA are to be required.

Midleton Town Development Plan 2013

It is the strategic aim of the Midleton Town Development Plan to ‘realise the target growth in population for the town and environs to 23,735 by 2020 and securing strong growth in the population of the town council area.’

Table 2.2 Midleton Housing Demand and Residential Land Supply, Midleton Core Strategy 2011-2020, envisages a household requirement of 6,685 units in the Midleton Town Council and Environs area up to 2020.

5.2. Natural Heritage Designations

The Oatencake stream runs in a north – west to south – east direction through the SW corner of the site, before passing through an existing 1.2m diameter pipe culvert underneath a newly constructed road which forms the southern boundary of the proposed site. The piped stream has been diverted to flow eastwards along the south

side of the new roadway and roundabout which were constructed as part of the overall permitted development (06/8157). The stream then flows its course east of the newly constructed roundabout, now flowing in a south-east direction and joining with the estuary of the Owenacurra River approx. 0.91 km south east from the proposed development site. The Owenacurra River Estuary discharges into the far eastern corner of a part of Cork Harbour known as the Great Island Channel. This channel is designated as an SAC, and overlaps with part of the Cork Harbour SPA. Both of these (overlapping) Natura 2000 sites are situated at a minimum distance of 0.91 Km from the site boundary.

6.0 The Appeals

6.1.1. A third party appeal has been submitted by David O'Gorman on behalf of Residents Group on the L3619 (Ballyvodock Road) and surrounding area.

6.1.2. Grounds of Appeal

- **General**
 - Not vehemently against the proposed development but believe that there are serious concerns and genuine holes or inaccuracies in the information provided.
- **Flood Impact Upon Surrounding area of the development**
 - Recent flooding event (Storm Frank) has not been taken into account in the Flood Risk Assessment (FRA) baseline figures need to be adjusted upwards
 - Concern with respect to developing in a floodplain
 - Area is within a Flood Zone B
 - Proposal to add an additional 1200mm pipe 'to prevent flooding' is questioned

- Concern with respect to significance of hydraulic conditions at both upstream and downstream ends of the storm drainage system where both are submerged during exceedance events.
- Proposal premature in the absence of the findings of the Middleton Flood Relief Study which has not yet been published.
- **Traffic Impact**
 - No account taken of the impact of the recently opened school on the junction and road safety
 - Robustness of the traffic data is questioned
 - There is traffic gridlock in the area on a daily basis
 - Concern with respect to traffic safety due to congestion
- **Whitegate Rock Land Lock**
 - Concern of anti-social behaviour
 - Creation of a 'no man's land'
- **Planning History**
 - The Senior planners report dated the 6th June 2012 supported several of the appellant's objections and recommended that the application to extend 06/8157 be refused.
 - The original spirit of the development as originally permitted and proposed back in early 2000s was a large scale masterplan for a new suburban neighbourhood.
 - The development was dependent upon significant infrastructure and amenity development works requiring a development contribution of 8 million euro once a certain critical mass has been reached.
 - The extension of permission undermines the spirit of the entire permission – piecemeal development.
 - Location is unsustainable in terms of proximity to the train station
 - Promotes unsustainable traffic modes

- **Sustainable Communities**

- Concern that the units are to be used as social housing
- Concern with respect to the quantum of social housing at this location
- Seek a condition on any permission that a tenure mix of at least 30% (21 houses) is employed to bring the amount proposed under 50 in the interest of sustainable communities
- Request that the Board require the applicant to indicate their intentions pertaining to Part V

- **Premature**

- No regard has been had to the Draft Plan due for adoption in June / July 2017
- Development Objective R-01 requires that ‘...no new houses shall be commenced until the community and recreational facilities are commenced by the developer and the development of new homes shall be limited to 400 in number until such a time as the new grade separated junction with the N25 is completed...’

- Appeal Accompanied with:

- Details of planning file Reg. Ref. 15/06969
- Extract from FRA
- Copy of Midleton LAP 2011 zoning map
- Extracts from Midleton LAP 2011
- Letter of Objection by Residents of Ballyvodock Road dated 31st January 2016 submitted to the p.a.
- Letter of objection from Quentin and Peg Adams dated 11/01/2016 to p.a.
- Photographs indicating flooding
- Copy of Planners report in respect of Reg. Ref. 12/04853 dated 06/06/2012
- Photographs of traffic congestion

- Maps detailing Whitegate Rock & OPW Owennacurra model flood extent, fluvial and tidal.

6.2. Planning Authority Response

No response received.

6.3. Further Responses

6.3.1. First Party Response was received from McCutcheon Halley Planning Consultants on behalf of the applicants, new issues only are summarised as follows:

- **Flood Impact**

- A revised and detailed FRA was submitted to the p.a. which references:
 - o Flooding in the area which occurred during 'Storm Frank',
 - o Detailed analysis of how the additional hydraulic load from the proposed development will impact on the existing Owenacurra catchment area, into which surface water from the site discharges.
 - o Information conveying in detail how flood waters will be routed within the development in the case the surface water system and attenuation area exceed capacity
 - o The risk / impact to both the proposed development and also existing adjacent developments, incl. the new school is also considered.
 - o Explanation of how a 1200mm diameter pipe will have sufficient capacity to transport the water volume of the existing open stream during an exceedance event and how lands up stream of this piped section would be affected if a blockage occurs
 - o Details of attenuation storage on site
- The revised information submitted to the p.a. demonstrated that the recent flooding event on site was as a result of constrains associated with the existing outfall pipework and culvert

- The development will address this issue of potential through construction of a second 1200mm culvert
 - Proposal removes the current flood risk from the site / area.
 - The site is not located within Flood Zone A or B as confirmed by the Lee CeeFrans mapping of the Oweracurra River
 - A detailed micro – drainage model was used by JB Barry Consulting Engineers to check the surface water system in extreme rainfall events. This model confirms that in such events (2, 30 and 100 year storm event) flood waters would remain within the development site.
 - The runoff from the proposed development will be attenuated before discharging to the existing 1200mm surface water outfall pipe from the site.
 - The attenuation storage design is such that the runoff from the development will match the runoff from the site in a greenfield condition in a 1 in 2 year storm event.
 - The proposed development is in accordance with the FRM Guidelines in which it states that future development will not increase flood risk elsewhere and minimise future increases in flood risk.
 - The area engineer and the planning department accept the flood risk analysis submitted.
 - A justification test in accordance with the Guidelines was also submitted to the Council, the appeal site is zoned for development in the current LAP which was adopted taking account of the OPW FRM Guidelines.
 - The zoning is unchanged in the new draft plan
- **Traffic Impact**
 - JB Barry Consulting Engineers carried out a TTA prepared on the basis of existing traffic patterns in the area in the absence of the upgrade to the N25, and, manual traffic counts carried out in March 2016.
 - The TTA was also prepared on the assumption that the new school at the Baneshane Roundabout would be fully operational.

- The TTA was prepared on the basis that the full extent of the currently permitted Abbey Wood development (394 houses) is to be developed and is therefore a robust assessment of likely traffic impacts on existing roads infrastructure in the area.
 - The proposed development would result in a reduction in trip generation 70 houses proposed as opposed to 74 currently permitted on the site.
 - The traffic and transportation section of the Council have no objection
- **Whitegate Rock**
 - The location of the Whitegate Rock area is outside of the red line boundary of the appeal site
 - The steep topography and geological composition of this area of land makes it unsuitable for development
 - There is a 2 m high wall running along the adjoining site boundary prohibiting access to this area
 - Substantial amenity and public open space provision is incorporated into the proposed development.
 - Claim of anti-social behaviour associated with Whitegate Rock is erroneous and irrelevant to this appeal.
- **Planning History**
 - The SEP report of the 6th June 2012 in respect of extension of duration of permission Reg. Reg. 06/8157 related to technical issues associated with an extension of duration of permission and are irrelevant.
 - The recommendation of the SEP was not accepted and the 06/8157 permission was extended under 12/4853, resulting in an existing live permission for 74 number dwellings on the site.
 - The site is zoned for 'Medium A Residential Development' in the statutory LAP 2011 and the Draft LAP
 - 14 dwellings have been completed under 06/8157 as well as a significant portion of the infrastructure, incl. access roads and stone wall entrance serving the proposed development site making it a fully serviced site.

- Good connections exist with the town centre and railway station.
 - Provision has been made for community and recreational facilities incl. a crèche with outdoor play area, two number tennis courts / hard surface play areas, football pitch, all weather pitch, Naionra preschool facility and newly open primary school, which will ensure that the overall development will be served by generous and quality community and recreational facilities.
- **Sustainable Communities**
 - The appellants concern in relation to social housing are irrelevant to the consideration of this appeal.
 - Details of the 10% requirement for social housing, to meet the Part V obligations, has been agreed in principle with Cork County Council's Housing Strategy Officer.
- **Prematurity of Development**
 - The site is zoned for 'Medium A Residential Development' in the statutory LAP 2011 with the Objective R-01. It is a key site in achieving the Council's population and housing targets.
 - The zoning is unchanged in the new draft plan
 - The proposed east cork municipal district LAP highlighted by the appellant states a shortened version of the same objective for the appeal lands, which again form part of the R-01 residential zoning objective
 - The subject application has cognisance to the forthcoming development objectives which will govern the site.

7.0 Assessment

7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Principle of Development**
- **Flood Impact**
- **Traffic Impact**
- **Other Issues**
- **Appropriate Assessment (AA)**

7.2. Principle of Development on the Appeal Site

7.2.1. The appeal site is located within the Midleton environs development boundary and is zoned 'R-01: Medium A Density Residential Development' in the relevant statutory Midleton Electoral Area Local Area Plan (LAP) 2011 Vol 1 2nd Ed Jan 2015. It is noteworthy that the site is also zoned 'Medium A Density Residential Development' (Specific Objective MD-R-01 refers) in the Draft LAP, published in November 2016, which is subject to ongoing review.

7.2.2. There is currently a live permission across this (and wider) site sanctioning the construction of over 400 dwelling houses (Reg. Ref. 06/8157 & Reg. Ref. 12/4853 refer). This permission is live until the 10/5/2017. To date, only part of this permission (14 no. houses) have been constructed and this relates only to housing on the site directly opposite the subject site. No dwelling has yet been constructed on the subject site, albeit, elements of the infrastructure to service the development have been implemented (road, roundabout, cycle lanes, access, bus stop etc.).

7.2.3. In accordance with the existing R-01 specific zoning objective the proposal has good linkages with the town centre, and its railway station including direct footpath connections over the N25 flyover. The infrastructure in place was evident on my site visit.

7.2.4. The appellant argues that the SEP's Report issued on the 6th of June 2012 relating to Reg. Ref. 12/4853, agrees with and supports several of the objections highlighted in the appeal (premature, piecemeal unsustainable development) and recommended that the application to extend the permission under Reg. Ref. 06/8157 be refused. Having read the SEP's report I agree with the first party that the recommendations of the SEP related solely to technical issues relating to extension of duration applications which are irrelevant to the consideration of the subject appeal. I also note that the SEP's recommendations were not accepted and the life of Reg. Ref. 06/8157 was extended under Reg. Ref. 12/4853, resulting in an existing live permission for 74 no. dwellings on the site the subject of this appeal.

7.2.5. Of particular note to the appeal case are conditions number two and three of Reg. Ref. 06/8157 which state:

- No. 2 'No dwelling units shall be commenced until the proposed primary school and community recreational facilities are commenced on site'.
- No. 3 'The development shall be limited to 400 dwelling units until such time as the New Grade Separation Junction with the N25 is complete'.

7.2.6. It is submitted by the first party that in relation to the requirement for community and recreational facilities, under Reg. Ref. 06/8157 that provision was made for extensive community and recreational facilities which would ensure that the overall development, including the 70 number dwellings proposed as part of the subject appeal, would be served by generous and high quality community and recreational facilities.

7.2.7. The planning authority identified it as a problem that the applicant is relying upon a substantial existing live permission being delivered before the expiration date of May 2017. I agree that this is unrealistic and I am of the opinion it would be most prudent to assess this application as a standalone proposal. In this respect regard is had to the newly opened primary school (permitted under Reg. Ref.14/5438) located immediately to the south east of the site, on the opposite side of the Baneshane Road. Regard is also had to the proposed neighbourhood play area, open space and kick about areas which I consider go some way towards complying with Cork County Councils recreation and amenity provision requirements. I note the proposal for 70 residential units falls short of the mandatory requirement to provide a crèche.

- 7.2.8. Cognisance is had that the current proposal envisages a slight reduction in the overall number of units on the subject site from 74 to 70. The proposed new layout has not deviated greatly from the permitted layout. The positioning of dwellings adjacent to the Western boundary and the road layout serving same is similar to that of Reg. Ref. 06/8157. The main deviation is that a new pocket of open space has been located in a more central location on the site. The addition of this open space area has meant that the site has been marginally widened to its Eastern boundary and will encroach more directly on the 'Whitegate rock' face.
- 7.2.9. The proposal has been soundly assessed by the planning authority with respect to site boundaries, noise barriers along the northern boundary, house type, size, mix and density (25 units / ha is proposed), house types (a mix of four bedroom two storey semidetached houses with GFA of some 135 sq. m (8 number in total), three bedroom two storey town house blocks ranging from 90 sq. m – 111 sq. m (45 number in total), two bedroom two storey town house blocks of some 80 sq. m (15 number in total) and two bedroom single storey semidetached dwellings with a GFA of some 83.2 sq. m (two number in total)
- 7.2.10. The planning authority have advised that the house types have been prepared in conjunction with the co. architect. I agree that the house design is aesthetically of good quality and the revised layout is an improvement relative to permitted development. I consider the overall layout of the proposed scheme, incorporating the changes as requested by the planning authority, by way of additional information and clarification, generally to be acceptable. I intend to further discuss roads and access issues in a succeeding section of this report.
- 7.2.11. The development of these lands for residential use is considered acceptable in the context of the site zoning, planning history and policy for release of residential land in the Cork County Development Plan 2014 – 2020, the Midleton Local Area Plan 2011 and the Midleton Town Development Plan 2013. I agree with the planning authority that the design and layout of the proposed development is in the main acceptable. The appeal site can deliver dwelling units at a time when there is a shortage of new homes being constructed in the greater Cork area as a whole. However, this needs to be balanced against a high quality layout and holistic approach, which incorporates the provision of essential and appropriate facilities, amenities and services. Regard is had to Specific Objective R-01 which identifies requirements for

improvements to the N25, requirements to reduce the risk of flooding and elimination of risk of impacts on the Great Island Channel SAC. I intend to further comment and assess these matters in the succeeding sections of this report.

7.3. Flood Impact

- 7.3.1. Flood impact is a fundamental concern of third parties to the appeal. The Baneshane lands subject to zoning objective R-01 are identified as an 'Area Susceptible to Flooding Zone B' in the Midleton LAP 2011 and the Draft LAP. From a review of the Zoning Map it would appear that the lands immediately adjoining to the west of the subject appeal site, within the same field boundary and identified as being within the ownership of the applicant, are specifically identified as at risk of flooding. I note the weighty photographic evidence on file which also indicates proof of flooding on the appeal site.
- 7.3.2. The appellant argues that there are deficiencies in the submitted Flood Risk Assessment (FRA) as it does not take account of the impact or potential impact of the proposed development on intensifying flooding in the area. It is argued that the data contained in the FRA does not take sufficient account of the most recent flood incident that occurred in the area during 'Storm Frank' and questions the baseline figures submitted based on an assumption that they need to be 'adjusted upwards' to ensure accuracy. The proposal to lay an additional 1200mm pipe on site to prevent flooding is also questioned.
- 7.3.3. The FRA flood extent map indicates that the existing site lies outside Flood Zone A. The site is not located within Flood Zone A or B in the Lee CeeFrams mapping of the Oweracurra River. The national flooding website www.floodmaps.ie does not have any record of historic flooding at the site. However, it is known that the site flooded in December 2015.
- 7.3.4. A revised and detailed FRA was submitted to the p.a. by way of further information and clarification of further information which references:
 - The most recent flood incident that occurred in the area during 'Storm Frank',

- Detailed analysis of how the additional hydraulic load from the proposed development will impact on the existing Owenacurra catchment area, into which surface water from the site discharges.
- Information conveying in detail how flood waters will be routed within the development in the case that the surface water system and attenuation area exceed capacity
- The risk / impact to both the proposed development and also existing adjacent developments, incl. the new school is also considered.
- Explanation of how a 1200mm diameter pipe will have sufficient capacity to transport the water volume of the existing open stream during an exceedance event and how lands up stream of this piped section would be affected if a blockage occurs
- Details of attenuation storage on site

7.3.5. It is argued following the FRA that the site is not within the natural flood plain of the Owenacurra river or Banshane stream. It is submitted that the recent flooding event on site was as a result of constrains associated with the existing outfall pipework and culvert. The development will address this issue of potential flooding through construction of a second 1200mm culvert which would connect with the outfall to the east of the roundabout. It is contended that the revised FRA with the second culvert, included, shows that the this would reduce the water level to 4.65m OD (1% AEP Flood event) and 5.37m OD (0.1% AEP flood event). It is submitted that consequently the FRA and associated modelling conclusively demonstrates that the proposal for a second culvert removes the current flood risk from the site / area.

7.3.6. A Development Management Justification Test was carried out on the proposed development in accordance with section 5.15 of the Flood Risk Management Guidelines and incorporating the findings of the assessment of flood risk. The results of the test conclude that the proposed development satisfies the criteria of the Justification test. To protect the proposed development against flooding it is recommended that the development be constructed with a FFL above the 1% AEP fluvial flood event. The FFL should incorporate a freeboard of 0.7m also. Therefore, the minimum FFL should be (4.65m OD and 0.7m) 5.35mOD.

- 7.3.7. The appeal site is zoned for development in the current LAP which was adopted taking account of the OPW FRM Guidelines. The zoning is unchanged in the new draft LAP and permission exists for a denser development of housing on the site without flood mitigation measures now proposed.
- 7.3.8. The area engineer is of the opinion that the FRA adequately models the worst case scenarios in relation to pluvial flooding in the Water Rock Area and that the recommendations with respect to proposed flood mitigation are satisfactory and the proposal is acceptable from a flood risk perspective.
- 7.3.9. Taking the foregoing into account and in particular to the conditions attached to the notification to grant planning permission I am of the opinion that subject to similar conditions being re-attached by the Board, to any grant of planning permission forthcoming, that the development would not increase flood risk generally or to the surrounding area. I am of the opinion that there is no reasonable justification for refusal of the proposed development on grounds that it would increase flooding hazard and consequently would be unacceptable by reason of public health hazard.

7.4. Traffic Impact

- 7.4.1. Traffic impact has been raised as a concern by third parties. Concern is expressed with respect to traffic safety due to traffic congestion. It is submitted that there is grid lock in the area on a daily basis. It is contended that permission is premature regard being had to Condition number 3 of Reg. Ref. 06/8157 which states: 'The development shall be limited to 400 dwelling units until such time as the New Grade Separation Junction with the N25 is complete' and to Condition 7 which required €8000000 in specific exceptional costs for the provision of a new grade separated junction on the N25.
- 7.4.2. The application is supported by a traffic and transportation assessment (TTA) carried out by JB Barry Consulting Engineers. The first party submit that it has regard to existing traffic patterns in the area in the absence of the upgrade to the N25, manual traffic counts carried out in March 2016, the new school at the Baneshane Roundabout and to the Abbey Wood development (394 houses) currently permitted. It is therefore contended it is a robust assessment of likely traffic impacts on existing roads infrastructure in the area.

- 7.4.3. The traffic and transportation section of the Council consider that the TTA is satisfactory and have no objection to the proposed development subject to condition. It is considered that the Baneshane roundabout has sufficient capacity to cater for the additional traffic volumes likely to be generated by the development. The development would result in a reduction in trip generation given the reduction in density proposed, 70 houses proposed as opposed to 74 currently permitted on the site.
- 7.4.4. It is the opinion of the p.a. that proposed access junction improvements are satisfactory and that safety improvements can be made to the slip road from the Baneshane Roundabout onto the N25 westbound which would mitigate any impacts arising there from the proposed development. The cost of the slip road improvements is estimated at €150,000 and this is required by way of condition no. 51 of the notification of decision to grant planning permission. Conditions are also attached with respect to repair of cycle paths, public lighting, road markings, signage and preparation of a construction traffic management plan.
- 7.4.5. I note the planners report which sets out that ‘the general and supplementary contributions under Reg. Ref. 06/8157 have been paid. It is not therefore recommended to attach a general or supplementary charge for this development. A special of €8.7m had been levied towards the new interchange on the N25. The payment of this has been deferred with the agreement of the local authority (correspondence to this effect is on file). TII have indicated that funding is not available for the upgrade of the interchange. The recommended special contribution of €150,000 to improve safety at the N25 slip is appropriate in light of this.’
- 7.4.6. Correspondence from TII on file, dated 15th March 2017, indicates that TII is satisfied that the Council has assessed the impact of the proposed development on the adjoining national road network and identified required mitigation proposals which are to be funded by the developer.
- 7.4.7. Cognisance is had to the special development contribution of €150,000 sought by way of Condition 51 for the upgrade of the N25 – Baneshane slip road. Cognisance is also had that any grant of permission should be subject to a bond to ensure satisfactory completion of the development, in this regard condition 6, attached to the notification of decision to grant permission, is noted. I am of the opinion that should

the Board agree that permission should be forthcoming that conditions attached by the p.a. with respect to layout and services in particular conditions requiring a Special Contribution and a Bond be reattached to any decision to grant planning permission.

- 7.4.8. Overall I see no justifiable reason to refuse planning permission on traffic safety grounds.

7.5. Other Issues

Social Housing

- 7.5.1. The third party has concern that the proposed development is to be used predominantly / exclusively for social housing and states that this would not be in keeping with the recent Housing Action Plan which seeks integration among tenures.
- 7.5.2. The first party submit that the appellants comments in relation to social housing are irrelevant to the consideration of the appeal, I agree.
- 7.5.3. It is stated in the planning documentation on file that the applicant proposes to meet the Part V obligations through the transfer of seven units in accordance with the 10% requirement.
- 7.5.4. I note from information on file that the Part V approach was discussed and agreed in principle with Cork County Council Housing Strategy Officer prior to submission of the application. I recommend that a condition requiring compliance with Part V of the Planning and Development Act be attached to any decision to grant planning permission.
- 7.5.5. Overall I see no justifiable reason to refuse planning permission on noncompliance with Part V Section 96 of the Planning and Development Act 2000, as amended. grounds.

Whitegate Rock Area

- 7.5.6. Third party concern is expressed with respect to anti-social behaviour and creation of a 'no man's land' at Whitegate Rock Area, as the layout proposed excludes and 'land locks' this area.

- 7.5.7. The Whitegate Rock area of land adjoins the eastern boundary of the site and is outside of the site boundary. I note the first party submission that the steep topography and geological composition of this area of land makes it unsuitable for development. A 2 m high wall is proposed along the site boundary with Whitegate rock prohibiting access to this area.
- 7.5.8. It is noted that the Whitegate Rock area was not included within the boundary of the permitted development Reg. Ref. 06/8157. I tend to agree with the first party and the planning authority that the Whitegate Rock area while an interesting feature is unsuitable for development or inclusion within a residential scheme. I am of the opinion that the boundary treatment proposed is acceptable and would not give rise to or encourage a place of anti-social behaviour. This being said, should issues of anti-social behaviour arise, such matters, should be dealt with by An Garda Síochána.

7.6. Appropriate Assessment (AA)

- 7.6.1. The Baneshane development site is not located within any designated conservation site. However as stated above in section 5.2 of this report, 'Natural Heritage Designations', there are hydrological links between the development site and the two over-lapping Natura 2000 sites. Cork Harbour SPA site code 004030 and the Great Island Channel SAC site code 001058. Both of these (overlapping) Natura 2000 sites are situated at a minimum distance of 0.91 Km from the site boundary.
- 7.6.2. The applicant has submitted a Screening Report for Appropriate Assessment (AA). The qualifying interest's conservation objectives of the Natura 2000 sites under consideration are summarised in Table 2.1 of the AA screening statement prepared by Kelleher Ecology Services Ltd. Dated December 2015, attached to the file. The report concludes that no habitats for which the SPA or SAC were designated will be directly or indirectly impacted by the proposed development.
- 7.6.3. A comprehensive revised FRA was submitted to the Council and it has been shown that the recent flooding event was associated with failures in the existing drainage network rather than directly associated with floodplain issues. Environmental design features are proposed incl. a new 1200mm culvert and pipework which it is

contended will alleviate possible future flooding in the Water Rock area. With the updated information on flood risk, the p.a. has screened out potential for significant impacts on the Natura 2000 sites.

7.6.4. The site comprises a zoned serviced site located within the development envelope of Midleton Town. It is proposed to connect to public foul sewer and public watermain.

7.6.5. Overall I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of the Cork Harbour SPA (site code 004030) or the Great Island Channel SAC (site code 001058) having regard to the nature and scale of the proposed development, infrastructure services in place and separation distances involved. It is also not considered that the 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

8.1.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations/ Reasons

9.1.1. Having regard to the nature and scale of the proposed development, to the existing and permitted pattern of development in the vicinity of the site and to the residential zoning of the site, that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the amenities of the area, would not adversely affect the character of the area, would be acceptable in terms of flood risk and access and traffic safety and would not, therefore, be contrary to the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 6th May 2016 and the 18th November 2016 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.

Reason: In the interest of clarity.

2. That this permission authorises 70 residential units, only. Each proposed residential unit shall be used as a single dwelling unit.

Reason: In the interests of development control

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings

4. Details of the materials, colours and textures of all the external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The windows serving all bathrooms, en-suites and walk-in wardrobes shall be permanently fitted and maintained with obscure or stained glass. The use of film is not permitted.

Reason: In the interests of proper planning and sustainable development of the area

6. 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.

7. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 18.11.2016. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, full details of the proposed boundary treatment including rear and party dividing boundary treatments.

Reason: in the interest of visual and residential amenity.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

10. 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.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. Public lighting shall be provided in accordance with a scheme, 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 interest of public safety and visual amenity.

13. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each house 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.

14. The development shall comply with the following requirements of the Engineering Division of Cork County Council:

- A). Both the open channel/stream running through the site and the entrance of the 1200mm diameter storm water pipes shall be adequately secured to ensure no unauthorised access. This may be in the form of palisade fencing, gates, etc. Details shall be provided to Planning Authority for approval prior to construction.
- B). The finished floor levels of the dwellings shall be constructed in accordance with the levels shown on the layout drawing no. Y15 312/PL/100 submitted on the 18th November 2016.
- C) The Developer/Applicant shall provide a live surface water storage attenuation volume as per the submission. Prior to commencement of development the Developer shall submit to the Planning Authority for approval proposals to protect the proposed sewers, pumping station and surface water attenuation system from high ground water table and groundwater infiltration. The final details of the attenuation tank/system shall be to the satisfaction of the Planning Authority
- D) Due diligence on the existing 1200mm diameter surface water system to which it is proposed to connect, including as-built drawings and CCTV survey, shall be

submitted to the Planning Authority. The CCTV survey shall be witnessed by Local Authority staff unless otherwise agreed.

E) The gradients of the proposed foul sewers shall be in accordance with the below criteria, unless otherwise agreed with the Planning Authority: -

- -Less than 6 houses contributing - minimum diameter 150mm – minimum gradient 1:80 ;
- Between 6 and 20 houses contributing - minimum diameter 150mm - minimum gradient 1:100.

F) Drainage shall be on separate systems, i.e. foul shall discharge to the foul sewers and surface water shall discharge to surface water system. No surface / storm water or ground water shall discharge to the foul sewer.

G) The Developer/Applicant shall construct the gravity foul sewer connection to this new pumping station from Castlerock housing estate/pumping station and decommission the existing pumping station at Castlerock, unless otherwise agreed in writing with the Planning Authority. The programme for this work shall be submitted prior to commencement of development and shall be finalised to the satisfaction of the Planning Authority.

H) The Developer shall complete the proposed new pipe culvert and clean out the existing 1200mm pipe culvert prior to the occupation of housing.

I) The extent of the new pipe culverts constructed under this development shall be to the satisfaction of the Planning Authority. The proposed 1200mm diameter stream culverts pipework shall be constructed using precast concrete class m (medium strength) spigot and socket pipe unless otherwise agreed with the Planning Authority. To deal with the risk of blockage and security, an inlet screen shall be provided at the inlet end of the proposed new 1200mm diameter culvert's pipework. The inlet screens shall be hydraulically designed based on 2/3 blockage. The detail design of the inlet screens shall be to the satisfaction of the Planning Authority.

J) The Developer shall, prior to commencement of construction:

- submit drawings, including cross section details, that show clearly the extent of the estate roadway that would be supported by the proposed attenuation structure. The site investigation details and geotechnical assumptions on which the design has been based shall also be submitted.

- submit a certificate from a suitably qualified structural engineer confirming the specific design circumstances, to the satisfaction of the Planning Authority that the design of the attenuation structure includes consideration of the long term impacts on the estate roadway and has been carried out in accordance with the relevant and most current design standards, that the structure has a 120 year design life and that the designs have been correctly transferred to the contract/construction drawings.

K) The developer shall upgrade the size of discharge pipe from the attenuation storage to the satisfaction of the Planning Authority. The discharge pipe shall be connected directly into the new 1200mm diameter surface water discharge pipe unless otherwise agreed with the Planning Authority. Details shall be submitted and agreed with the Planning Authority prior to commencement of construction.

L) The developer shall agree the details of the flow control chamber with Planning Authority prior to commencement of the construction. The flow from this development shall be limited to the Qbar allowable discharge rate 19.98l/s as per design calculations submitted.

Reason: To prevent pollution of surface waters and to prevent overloading of the foul sewer and in the interest of public health.

15. The development shall comply with the requirements of the Engineering and Transportation Division of Cork County Council:

a) The exact alignment, depth and crossing points of the additional 1200mm diameter storm water pipe shown on drawing Y15 312/PL/101B and 110 shall be agreed with the Planning Authority prior to construction.

b) The layout and services for the estate shall comply with the standards set down in 'Recommendations for Site Development Works for Housing Areas' (Dept. of the Environment and Local Government, 1998) and with the Standard Requirements of the Planning Authority. Where conflicts arise between different Standards, or between Standards and planning permission, or between different planning permission requirements, clarification shall be sought from the Planning Authority. Any conflict shall be resolved to the satisfaction of the Planning Authority.

c) The developer shall retain wayleaves to the Planning Authority's satisfaction, over areas where services traverse private property. In the event of the Planning

Authority deciding at its discretion to take the roads and services in charge the developer shall provide rights of way and wayleaves over these areas to the Planning Authority. A minimum of 6 m wayleave width shall be provided on all water service pipelines and surface and foul water sewers through private property. No development shall be undertaken within the wayleaves unless otherwise agreed with the Planning Authority. Works shall not commence until any necessary wayleave agreements have been established.

d) The developer shall be responsible for the maintenance of all roads, footpaths, open spaces, site boundaries and other services within the estate until taken in charge by the Council, at its discretion.

e) The developer shall submit to the Planning Authority a drawing (hardcopy and electronically) showing the areas that would be proposed for "Taking In Charge", prior to commencement of development. This drawing shall also show the public facilities typically considered by the Planning Authority for "Taking In Charge" such as public lighting, roads, footpaths, open spaces, surface water/foul sewerage and water supply systems. The area on the drawing that would be considered for "Taking In Charge" shall be finalised to the satisfaction of the Planning Authority.

f) No obstructions, or planting capable of growing to over 1m high, shall be placed in the verge adjacent to houses H61 and H65, unless otherwise agreed with the Planning Authority.

g) Footpaths shall be provided to the play areas. Footpaths shall be concrete with a minimum width of 1.8m, unless otherwise agreed in writing with the Planning Authority.

h) The Developer/Applicant shall prepare and submit an internal traffic management plan prior to commencement of development identifying the locations of stop lines, pedestrian crossings, speed table ramp traffic calming measures, finalising the kerb lines/radii. The plan shall be finalised to satisfaction of the Planning Authority and finalised plan re-submitted prior to commencement of construction.

i) A railing shall be provided along the edge of the road and footpath directing pedestrians to the pedestrian crossing point connecting with the existing pedestrian access point to the estate from the public road, unless otherwise agreed with the Planning Authority.

- j) Footpath and kerb to be dished and new access and egress provided to the requirements of the Area Engineer, Roads Maintenance Department.
- k) All costs incurred by Cork County Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.
- L) The existing cycle-path along the full length (both sides) of the local road (L3619) leading west from the Baneshane Roundabout shall be reconstructed to the appropriate standard, to the satisfaction of the Planning Authority. Public lighting along this stretch shall also be provided to current standards, in addition to road markings and signage.
- M) A minimum of 2 no. 5m x 2.5m parking spaces shall be provided for each residential unit, unless otherwise agreed with the Planning Authority.
- (N) Traffic Management shall comply with the 'Traffic Management Guidelines' issued by the Department of Transport in 2002.
- (O) Construction drawings shall be submitted and agreed with the Estates Engineer before any work begins on site.
- (P) As built drawings shall be submitted following completion of all the works, these shall be submitted electronically in AutoCAD format and in PDF, (these should include the depth the services which are installed and the location of all underground services)
- (Q) No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.
- (R) During construction the wheels of all trucks shall be washed prior to their exit from the site in a wheel wash facility. Details of the construction, installation and operation of this facility shall be agreed in writing with the Planning Authority prior to commencement of any development.
- (S) During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interests of traffic safety

16. The boundary structure around the site of the pumping station on the housing estate side shall be 2m high concrete block wall capped and dashed unless otherwise agreed with the Planning Authority.

Reason: In the interest of orderly development

17. The proposed new pumping station shall have a separate access from the main external road unless otherwise agreed in writing with the Planning Authority. The layout of this access shall be submitted to the Planning Authority prior to commencement of development, finalised to the satisfaction of the Planning Authority and the final details submitted prior to commencement of construction

Reason: In the interest of orderly development

18. The developer shall secure/anchor the existing adjacent rock outcrop to the satisfaction of the Planning Authority. The method of securing/anchoring the rock outcrop shall have a design life of 120 years and shall be certified by a suitably qualified Consulting Engineer. The proposals shall be submitted to the Planning Authority prior to commencement of development, finalised to its satisfaction and the final details submitted prior to commencement of construction.

Reason: In the interest of orderly development

19. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity

20. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

21. 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 of roads, footpaths, watermains, drains, 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 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 of the development

22. The developer shall pay the sum of € 150,000 (one hundred and fifty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, in respect of the improvements to the slip road between the N25 and the Baneshane roundabout. This contribution shall be paid prior to commencement of development or in such

phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Fiona Fair
Planning Inspector
26.04.2017