



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-300557-18

Strategic Housing Development	10 year permission for a residential development of 457 no. residential units, a crèche, public parkland and open spaces, and all associated infrastructure and site works on an overall site of 37.42 hectares.
Location	Lahardane, Ballyvolane, County Cork.
Planning Authority	Cork County Council
Prospective Applicant	Longview Estates Ltd.
Date of Consultation Meeting	2 nd February 2017
Date of Site Inspection	25 th January 2017
Inspector	Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The proposed development is located in the townland of Lahardane in Ballyvolane, Co. Cork. Ballyvolane is located approx. 3kms north of Cork City and is identified as an Urban Expansion Area (UEA) in the Cobh Municipal District Local Area Plan. The LAP identifies Ballyvolane as an existing largely residential area adjoining the northeast of Cork City. There is an existing retail core located at the Fox and Hounds junction consisting primarily of Ballyvolane Shopping Centre (Dunnes), Lidl, public house and off-licence.
- 2.2 The development site has a stated site area of 37.42ha. and is located to the northern extremity of the Ballyvolane UEA lands (260 ha. in total) with frontage along the Ballyhooley Road and limited frontage along a substandard local road to the north east of the site. The site consists of a number of large fields which are currently used for tillage farming. Hedgerows line the field boundaries.
- 2.3 Ballyvolane is accessible from the Northern Ring Road (R635) via the R-614. The development lands are accessed approx. 1300m from the Fox and Hounds junction via the Ballyhooley Road. Pursuant to inspection of the lands and immediate environs, there are significant tracts of zoned and undeveloped residential lands between the development site and the lands zoned for town centre uses.

2.3 The primary access to the lands is currently from the local road to the north which is a narrow road with poor vertical and horizontal alignment. The local road is characterised by one-off ribbon development.

2.4 The lands rise steeply from the Ballyhooley Road towards the north-east of the lands where there are panoramic views across the site towards Cork City. There are existing overhead power lines that traverse the site.

3.0 Proposed Strategic Housing Development

3.1 It is proposed that the overall site of c.37.42 hectares will be developed to accommodate 457 residential units giving rise to a density of 12.2 units gross per hectare.

3.2 I note that the information provided in question 8 of the Pre-Application Consultation request form pertaining to the indicative breakdown of the proposed residential content is at variance with the characteristics of the proposed SHD provided in question 6 of said form. The overall number of proposed units is the same i.e. 457 however the number of three and four bed units do not correlate. The following table provides the breakdown of unit types based on the description of the development proposed.

Table 1: Residential Unit Types

Residential Units		
Houses	No. of Units	% Mix of bed type only
3 bed	327	72%
4 beds	83	18%
5 bed	15	3%
Duplex Apartments	32	7%
2 bed units		
Total	457	100%

3.3 Permission is also sought for a crèche, public parkland and associated public open space areas, parking and associated site works.

4.0 Planning History

There does not appear to be any planning history associated with the site.

5.0 National and Local Planning Policy

5.1 National

5.1.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standard for New Apartments, Guidelines for Planning Authorities, 2015'.
- 'Design Manual for Urban Roads and Streets' (DMURS)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

5.2 Local

5.2.1 The Cork Area Strategic Plan (CASP) 2008 identifies a population projection of 13,495 for Ballyvolane for 2020 and a household projection figure of 5,596 for the same year.

5.2.2 The Cobh Municipal District Local Area Plan 2017 identifies Ballyvolane as being part of the Cork City Northern Environs. Ballyvolane is identified as an Urban Expansion Area. Section 1.7.40 of the LAP it is set out that with regard to the Urban Expansion Areas, which includes Ballyvolane, infrastructure programmes for these sites are being progressed with the specific aim of delivering complex public infrastructure in an environment of multiple land ownerships within the sites.

5.2.3 Section 3.4.1 sets out that the "vision for Cork City North Environs to 2020 is to re-invigorate the northern suburbs of the city, within the County area, as a significant

location for future residential development. This will require a planned major mixed use development at Ballyvolane coordinated with substantial infrastructure investment, the provision of enhanced community and recreational facilities and public transport accessibility, with the aim of rebalancing the provision of services more equitably throughout the city.”

- 5.2.4 The LAP sets out that there is a need to address existing congestion at the Ballyvolane Crossroads. The construction of the proposed link road connecting Mayfield to Kilbarry is a critical piece of road infrastructure to alleviate the congestion at the Fox and Hounds and the intersection of the Ballyhooley Road and the existing Northern Relief Road. The regional transport model which is currently being prepared by the NTA will inform the timing of the delivery of this road proposal. Further design including the exact alignment of the route, the design of the bridges, overpasses etc. needs to be completed first.
- 5.2.5 To facilitate the level of development planned for the north Environs major new investment is required to provide infrastructure to connect Ballyvolane to Carrigrennan WWTP.
- 5.2.6 The Ballyvolane site is located within the City Harbour and Estuary Landscape type as defined by the Draft Landscape Strategy which is considered very high in terms of sensitivity and value. The avoidance of development on the steep Westerly slopes, part of the south westerly slopes and on the Southern ridge behind the existing pocket of development will help to reduce the overall impact on landscape. Mitigation measures in the form of extensive planting as part of a landscaping strategy will be required to reduce magnitude of the impact.
- 5.2.7 Section 3.4.72 deals with Road Infrastructure. It is set out that “Ballyhooley road is a critical route into the City, the creation of additional access points onto the Ballyhooley Road would result in additional congestion. The results of the Regional Transport Model currently being prepared by the NTA will be critical to quantifying

the exact number of units that are capable of being built prior to substantial road improvements.

5.2.8 The issue of surface water disposal is a significant issue having regard to the steep topography and the capacity issues within the Glenamought catchment. The proposed Blackpool flood relief scheme is sensitive to any increase in flows. The OPW have proposed two separate flood relief schemes: The Lower Lee and Blackpool, to progress the implementation of flood risk management measures for Cork City and Blackpool. The recommendation is that all future developments should attenuate for a 1 in 100 year flood event.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process and design evolution; Engineering Design Report; Public lighting Report; Traffic and transport Assessment; Childcare facility Assessment; Statement of Consistency including letter from Irish

Water, Schedule of Accommodation and Part V details; Architect's Design Statement and Drawings, Engineering Drawings.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Cork County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 25th January 2018.

6.2.2 The planning authority's opinion included the following matters: planning history of nearby sites; reference to local planning policies; and reference to the following particular issues:

- Planning policy considerations: Reference is made to planning policy and that principle of developing site for residential purposes is acceptable.
- Density: Proposal gives rise to a gross density of 12.3 units per/ha. The applicant indicates the proposal gives rise to a nett density of 19 units per/ha. The residential portion of the site is zoned for Medium B density residential development (12-25 units per/ha). This density conforms with the LAP/CDP zoning objective. The density is below the density threshold provided for in the Guidelines for Sustainable Residential Development in Urban Areas for Outer Suburban/Greenfield sites. Clarity is required regarding the definition of net density as it affects this site.
- Traffic and Transportation: Provision of new roads infrastructure to serve the proposal is a significant consideration for ABP. Tables 3.4.2 and 3.4.4 of the LAP identify the strategic infrastructure and services required at each phase of the development of the Urban Expansion Area. An upgrade of Ballyhooley Road, outside the control of the applicant, to the Fox and Hounds junction will be required. These works are critical to enhancing connectivity between the site and the wider area. At present, there is no funding stream available to Cork County Council to address the shortcomings in the surrounding road

infrastructure including this upgrade. Traffic impacts within the City Council's jurisdiction will arise as a significant issue. In relation to the provision of the NE U-03 (service road within the Ballyvolane UEA) the planning authority has questioned the alignment as proposed within the site given the significant amount of cutting required to provide appropriate gradients. Concerns also expressed regarding provision of two access points onto the Ballyhooley road.

- Topography – Proposal will result in level changes of up to 8m in places. Visual amenities of the area should not be compromised. Abrupt level changes between houses should be avoided.
- Visual Impact – Concerns over the visual impact of the proposed development particularly when viewed from the west. Detailed photomontages are required.
- General layout considerations – Further consideration needs to be given to the hierarchy of streets within the scheme. Greater differentiation is required between clusters. The life span of crib retaining walls and the long term viability of steeply sloping embankments are potential concerns.
- Housing Mix – The application will need to justify the mix proposed.
- Open Space – The ability of the open spaces to function as practical and useable areas will need to be demonstrated.
- Community Facilities – Need to demonstrate that the area reserved meets the size requirements for a primary and secondary school as set out by the Department.
- Other engineering considerations – Concern expressed about the outfall from the attenuation tanks discharging into the local stream network and the impact on flooding in Blackpool. The application will need to demonstrate that the requirements of the City Council/OPW are satisfied in this regard. The appropriateness of soakpits to serve the eastern portion of the site will need to be justified.

6.3 Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on 2nd February 2018, commencing at 2.00 pm. Representatives of the prospective

applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Phasing of Development with specific regard to Local Area Plan provisions, particularly the 'Indicative Development Programme'.
2. Surface water management and Flood Risk.
3. Traffic and Transportation including DMURS to include connectivity, pedestrian and cycle routes.
4. Development strategy to include density, layout, open space, accessibility, phasing and integration with adjoining lands.
5. Visual Impact and Landscape Strategy
6. Any other matters

6.3.3 In relation to the phasing of development with specific regard to the LAP provisions, ABP representatives sought further elaboration/discussion on the status of the strategic infrastructure and service requirements as identified in the LAP, rationale for developing at this location, extent of infrastructural services to be provided and possible prematurity pending completion of related studies and infrastructure upgrades.

6.3.4 In relation to Surface Water Management and flood risk, ABP representatives sought further elaboration/discussion on this issue and potential impact on flooding in Blackpool.

6.3.5 In relation to Traffic and Transportation, ABP representatives sought further clarification/elaboration on street hierarchy, compliance with DMURS, connections through clusters and back to urban centre, permeability of residential development to urban park and school site.

6.3.6 In relation to the Development Strategy, ABP representatives sought further elaboration/discussion on proposed density, typology of units proposed, phasing of development including infrastructure delivery (both within and outside the applicant's control) and functionality of open space with regard to topography of site.

- 6.3.7 In relation to Visual Impact and Landscape Strategy, ABP representatives sought further discussion/elaboration on status of the landscape strategy as identified in the LAP and visual impacts on landscape.
- 6.3.8 In relation to AOB, ABP representatives sought further elaboration/discussion on EIAR issues in particular greater assessment of alternatives justifying planning rationale for developing the site, extent of cut and fill proposed and phasing of development.
- 6.3.9 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300557-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a

reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Timing and Phasing of Development

Further consideration of documents as they relate to the planning rationale for developing at this location having specific regard to the general sequential approach to developing on serviceable lands proximate to urban centres, the topography of the lands and potential environmental and sustainability impact of the proposed development in the wider area, the possible prematurity of development at this

location pending the completion of Infrastructure related studies and upgrades as set out in the 'Indicative Development Programme' in the Cobh Local Area Plan 2017 and the extent of infrastructure to be delivered in Phase 1 of the proposed development. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Site Topography

Further consideration of the documents as they relate to the proposed changes in the topography of the site having specific regard to urban design and environmental considerations given the extent of 'cut and fill' activities proposed. Further consideration should also be given to, inter alia, excavation methods to be used on site, volumes of soil and rock to be excavated/extracted, re-used and/or removed off site, associated traffic movements to and from the site. Such details should be included in the Environmental Impact Assessment Report. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Water and Waste water infrastructure

Further consideration/clarification of the documents as they relate to the required extension in water and wastewater infrastructural network to serve the proposed development. The prospective applicant is advised to liaise with Irish Water with regard to the nature of works required to address any proposed extension to the network, whether planning permission is required for such works and likely timing for securing such permissions where required. The documentation at application stage should provide details with regard to the network extensions including layout and design details and the timelines involved relative to the construction and completion of the proposed development.

4. Surface water management and Flooding

Further consideration of documents as they relate to the potential for increased risk of flooding in the wider area including the Blackpool area. Further consideration of

this issue may require an amendment to the documents and/or design proposals submitted. The prospective applicant is advised to liaise with the planning authority regarding surface/storm water proposals prior to making an application.

5. Traffic and Transportation

Further consideration of documents as they relate to the delivery and timing of road infrastructure upgrades in the wider area as identified in the Local Area Plan including connectivity of the proposed development to the urban centre, the proposed urban park and the school site. Further consideration of how the layout, proposed spine road and access arrangements are consistent with the principles of Design Manual for Urban Roads and Streets should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

6. Residential Density

Further consideration of documents as they relate to the residential density of the site. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'). Particular regard should be had to the need to develop at a sufficiently high density to underpin the efficiency of existing or planned public transport services. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

7. Public Open Space

Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the open space proposed particularly in the context of the quantum and usability of the active open spaces on the site and the integration and connections to the proposed public urban park, ensuring surveillance of the open spaces, and addressing level changes across the site. The further

consideration of this issue may require an amendment to the documents and/or design proposals submitted.

8. Design, Layout and Unit Mix

Further consideration of documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines and also reference to the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix, the configuration of the layout, design and alignment of roads, how the development including consideration of the phasing arrangements contribute to the creation of a high quality urban extension to Ballyvolane whilst respecting the existing landscape character of the site should be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Details of any consultations undertaken with the Department of Education and Skills with regard to the lands reserved for a 16 classroom primary school.
2. Having regard to the difference in levels across the site, details of existing and proposed changes in contours/levels across the site. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed dwellings, access roads including the proposed spine/distributor road and public open space areas.
3. Details of undergrounding or re-routing of any overhead ESB power lines.

4. A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity. Connections from surrounding areas through the subject site should also be indicated.
5. A construction and demolition waste management plan should be provided.
6. A phasing plan for the proposed development should be provided which clearly indicates the extent of transport, social and community infrastructure that it is proposed to deliver in each phase having specific regard to the provisions of the local area plan.
7. Landscaping proposals including an overall landscaping masterplan and for the development site including the proposed urban park. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted.

8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
5. Cork City Council
6. Córas Iompair Éireann
7. Transport Infrastructure Ireland
8. National Transport Authority

9. Commission for Energy Regulation
10. Irish Aviation Authority
11. Local Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



Joanna Kelly

Senior Planning Inspector

13th February 2018

