



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301961-18

Strategic Housing Development

10 year permission for the construction of 311 residential units (146 no. houses, 165 no. duplexes/apartments), a crèche facility, site boundary treatments (including widening of Ballyleary Road within site curtilage) and all other associated ancillary development works.

Location

Ballyleary, Great Island, Cobh, Co. Cork.

Planning Authority

Cork County Council

Applicant

Seamus Geaney

Prescribed/Other Bodies

Irish Water, Transport Infrastructure
Ireland, Cork County Childcare
Committee

Observer(s)

Belvelly Carrigaloe and District
Community Association, Cobh &
Harbour Chamber, John and Rose
Quinn, Ballyleary Residents

Date of Site Inspection

17 September 2018

Inspector

Una Crosse

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was received by the Board on 27 June 2018 from Seamus Geaney.

2.0 Site Location and Description

The subject site has a stated area of 13.7 hectares and is located on a steeply sloping site approximately 1.5 km to the north of Cobh town centre and approximately 1 km from the junction of the Tay Road and the R624 which is in close proximity to the Carrigaloe ferry terminal. The area is characterised by a number of cluster of one-off housing addressing the public road in addition to sporadic properties dotted within adjoining fields. The site itself is adjoined by a cluster of one-off houses some adjoining the Tay Road and others set back from same to the west of the site. To the north east adjoining the junction with the Tay Road and the L-7015-0 there are two residential properties which are accessed from the L7015-0. This junction with the Tay Road and L7015-0 has poor visibility when accessing the Tay Road from the L7015-0 particularly to the east/northeast. To the south of the site there is a large detached dwellinghouse.

The site is bound on two sides by roadways, the Tay Road to the north and the local roadway referenced as L7015-0 to the east. For ease of reference, the public road to the north/northwest of the site is referenced as the Tay Road (L2933) as it adjoins the site and the Ballynoe Road as it nears the junction with the R624 and is subject to Objective CH-U-01 in the LAP. There is a drain running along the site boundary with the Tay Road. The public road to the east of the site is referenced as Local Road L7015-0 and Objective CH-U-02. This local roadway bounding the site to the east is a narrow, c.3m, single width carriageway with poor vertical and horizontal alignment. To the west and south the site is adjoined by undeveloped lands. The site is currently in agricultural use with a mature crop on the site at the time of my visit. It is steeply sloping, rising in a southerly direction by approximately 36 metres. The site is traversed from southwest to northeast by a high voltage overhead powerline with a large pylon located on the site. There are other lower voltage powerlines also

traversing the site on wooden poles. The site is also traversed from east to west by a trunk sewers. An existing hedgerow demarcates a field boundary within the site running west to east across the site. Native hedgerow is evident for much of the site boundary.

3.0 Proposed Strategic Housing Development

The development as proposed comprises the construction of 311 residential units with 165 apartment/duplexes and 146 houses and a 70 space childcare facility of 505 sq.m as follows:

Overview of Units

No. of Units	Type
Housing Units	
66	3-bed house – semi-detached, detached, terraced and semi-townhouse
80	4-bed house – semi-detached and detached
146	Total
Apartment Units	
50	1-bed apartments
57	2-bed apartments
6	3-bed apartments
113	Total
Duplex Units	
8	1-bed duplex
26	2-bed duplex
18	3-bed duplex
52	Total

Unit Mix

Unit Type	No. of Units	% of Units
1-bed	58	18.6
2-bed	83	26.6
3-bed	90	29
4-bed	80	25.8

Building Type and Height of Houses

Name of Unit	Type of Unit	No. of Beds	No. of Units	Building Height
A1	Semi-detached	3	12	2
A1-A	Detached	3	4	2
B1	Terraced	3	40	2
C1	Semi-detached	4	56	2
C1-A	Semi-detached	4	18	2
D1	Detached	4	6	2
G1	Townhouse	3	10	3

Building Type and Height of Duplex & Apartment Blocks

Name of Unit	Type of Unit	No. of Beds	No. of Units	Building Height
E1	Duplex	1	8	3
E1	Duplex	2	8	3
F1	Duplex	2	18	3
F1	Duplex	3	18	3
H1	Apartment	2	30	3

J1	Apartment	1	42	3
J1	Apartment	2	21	3
K1	Apartment	1	6	3
K1	Apartment	2	6	3
K1	Apartment	3	6	3
Crèche Building	Apartment	1	1	2
Crèche Building	Apartment	1	1	2

The development as proposed effectively provides for two housing developments divided by an existing hedgerow through which there are two pedestrian/cycle connections. The northern area or zone, denoted as Zone 1 on the layout map provides for 113 units laid out in three areas. The proposed crèche is also located to the northeast of the site. Access is proposed from the Tay Road and L7015-0. The layout along the Tay Road provides for set back roads within the proposal parallel to the Tay Road. A 6 metre wide road runs through the site from the Tay Road to local road L7015-0 along the eastern boundary of the site.

To the south of the hedgerow which dissects the site the southern element of the development or Zone 2 is access from two proposed access points on the L7015-0 along the east of the site. The layout effectively comprises development to the north of and south of an internal 6 metre wide road which is proposed to run from the L7015-0 to the east providing future access to the adjoining lands to the west. North of the link road there is a cluster of 50 units. South of the link road there are three parcels of development. To the west there is a linear development of 36 units addressing this link road and the open space to the south. Central within the southern zone there are 44 housing units accessed from the central link road and another road to the south of the site which also provides access to the linear development of 7 apartment blocks which adjoin the southern boundary of the site.

The documentation states that there is 5.074 hectares of passive and active open space and notes that less the passive open space there is 3.074 hectares. I am assuming this means that there is 2 hectares of passive open space. It is stated that there are 0.2 hectares of biodiversity corridors. The open spaces, as defined, include the provision of 5 local plan areas of 100m² each, 2 kickabout areas of 400 sq.m. It also states that there is open parkland providing looped walks and connectivity routes to the County Council amenity lands to the south.

In relation to servicing of the site, it is stated that waste-water from the site is to be directed to the new Shanbally WWTP via the public sewer system, water supply is to be provided from the public mains. In relation to surface water, it is stated that the site is split in two. The southern portion of the site is proposed to discharge directly into the constructed storm trunk sewer and onto Cuskinny for discharge. The northern portion of the site will discharge to two attenuation tanks and a number of hydrobrakes and will discharge to the stream on the northern boundary at greenfield rates.

The following table provides the key details for the proposed development:

Detail	Proposal
No. of Units	311 (146 houses & 165 apartment/duplex)
Site Area	Overall site – 13.7 (developable area 9.3 with 4.47 excluded)
Density	33.7 units per hectare on developable area and 22.7 gross)
Building Height	2 & 3 storeys
Public Open Space	5.074 with 3.074 of active and remainder passive.
Car parking	2 spaces per unit and 28 visitor spaces
Dual Aspect Apartments	All

Bicycle Parking	10 – 5 each at kickabout areas and shelters distributed around site as per drawing 1020
Crèche	70 space facility
Part V	31 units

A ten year permissions is sought.

In addition to the drawings the application was accompanied by the following reports:

- Cover Letter including Statement of Response to the Notice of Pre-Application Consultation Opinion
- Statement of Consistency
- Planning and Design Statement
- Part V Proposal
- Site Wide Schedule of Areas
- Statement of Compliance with Universal Design
- Civil Engineering Infrastructure Report
- Letter from Irish Water
- Archaeological Assessment
- Ecological Assessment
- Traffic and Transport Assessment (TTA) & Addendum
- Environmental CEMP & DWMP
- Operation OWMP
- Visual Impact Montages
- Natura Impact Statement

4.0 **Planning History**

The following history on the site and adjoining lands is considered to be relevant:

4.1. **On Site**

- **Ref. 10/8824** – permission granted for 11 dwellings and proposed temporary entrance for access to the 11 dwellings. Permission extended by Ref. 15/6082 until May 2021.
- **Ref. 05/6541** – Permission granted for 243 units, 6 serviced sites, crèche and associated works – expired.

4.2. **Adjoining Area**

The following decisions are considered relevant:

Ref. 17/764 – Permission granted (July 2018) for 56 semi-detached dwellings comprising a revision to permission granted for 61 units under Ref. 06/52038 (PL.53.221918) under EXT/D/2012/4.

Ref. 05/2345 – permission granted for 280 houses to southeast of the site. Ref. 14/4847 extended permission until July 2019.

Both Ref. 05/3848 (169 houses) and Ref. 04/6297 (202 houses, 24 apartments & 21 serviced sites) have both lapsed

5.0 **Section 5 Pre Application Consultation**

5.1. **Notice of Pre-Application Consultation Opinion – Ref. ABP-300388-17**

A notice of pre-application consultation opinion was issued by the Board on 8th of February 2018 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on 6th December 2017.

The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The matters included are as follows:

1. Infrastructure and Connectivity

Further consideration of the documents as they relate to the phased development programme for Ballynoe Urban Expansion Area, as set out in Table 3.2.3 of Cobh Municipal District LAP, specifically in relation to the 'Prior to Commencement of

Development' and 'Phase 1' development stages. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Density

Further consideration/justification of the documents as they relate to the density in the proposed development. 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' (May 2009) in relation to such Outer Suburban/Greenfield sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Cobh and Cork city centre, with their established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

3. Design, Layout and Unit Mix

Further consideration/justification of the 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 above mentioned Guidelines and the 'Design Manual for Urban Roads and Streets'. In addition to density which is addressed above, the matters of unit mix and design, the configuration of the layout, levels, design and width of roads, the creation of character areas within a high quality scheme should all be given further consideration. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Public Open Space

Further consideration of the documents as they relate to the open space proposed particularly in the context of the quantum of open space proposed, the surveillance of the open space, the usability of the active open space and proposals for passive open space in the context of landscaping proposals. The further consideration of this issue may require an amendment to the documents and/or design rationale submitted.

Specified Information

The following specific information was also requested:

- Drainage details, having regard to the Pre-Connection Enquiry report of Irish Water, dated November 2nd 2017.
- A detailed phasing plan for the delivery of the proposed development.
- A site layout plan showing which areas are to be taken in charge by the planning authority.
- Site Specific Construction and Environment Management Plan (CEMP).
- Colour coded layout plan identifying different unit types proposed.
- A plan showing proposed pedestrian and cycle facilities connecting the proposed development with Cobh town centre, existing and proposed train stations in the vicinity and the area of zoned public open space to the south of the site.
- A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

5.2. Applicant's Statement

Article 297(3) of the Regulations provides that where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.

In the covering letter submitted with the application, the applicant's agent outlines a response to the matters specifically required by the Board which is summarised as follows:

Item 1 – Infrastructure and Connectivity

- Proposal is consistent with the phasing of development set out in Phase 1: Development Programme: Ballynoe Urban Expansion Area – CH-R-09, CH-R-10 and CH-R-11 and meets specific requirements of the plan which lie within or at the boundaries.

- Application aims to assist strategic transport/road infrastructure with provision of substantive new road sections for Specific Objectives CH-U-02 & CH-U-04 with proposals tabled to assist traffic movements at the R624/Ballynoe Road which will reduce traffic currently using ‘the Back Road’ route to the R624 via Belvelly Bridge, out of Cobh.
- Previous application permitted on the site paid a substantial contribution for the provision of the foul and storm sewer collection system and provided a wayleave through the development site to facilitate the provision of the foul storm trunk sewer system that is in place on site today with capacity in place for this proposal to connect into in its entirety.
- IW has begun the Cork Lower Harbour Main Drainage Scheme to decommission the existing waste water treatment plant for the area and to pump sewage to a new treatment plant at Shanbally with the project due for completion before the end of 2020.
- Full and comprehensive SuDS system report designed with site not recorded within a flood plain as described in Section 6 of Storm water networks which have been designed to allow zero flooding at any element.
- Await details for the provision of CH-O-07 and CH-O-08 from the County Council but proposal makes provision for connectivity routes in these Council lands for the benefit of the subject site and adjoining neighbourhood of Ballynoe with proposal making a significant contribution to open space and amenity provision adjoining and connecting into these lands.

Item 2 – Density

While site is 13.7 hectares a significant proportion of the site has been sterilised due to sewer line wayleaves, ESB power lines traversing two locations on site and restrictive site topography but that part of site that is developable has been fully maximised within Zone 1;

Zone 2 places units along natural site contours achieving full accessibility of use for all dwellings in this zone;

Site layout design has been extensively remodelled/designed in relation to comments of ABP and Sustainable Residential Guidelines with revised site layout

providing a density of 33.7 units per hectare which is in compliance with the Cobh LAP;

Item 3 – Design, Layout and Unit Mix

- Density has been increased and proposal makes provision for seven distinctive ‘character areas’ or neighbourhood clusters which provide a range of dwelling types of varying density and a significant mix of twelve housing, duplex and apartment types of varying scales.
- Proposed character areas and extensive mix of dwellings ensures future flexibility for residents wishing to trade up or down within the development with variety of dwellings proposed focused on availability of choice, quality and affordability within the area.
- In revising the design, layout and mix, regard was had to provisions of Sustainable Residential Guidelines and Urban Design Manual.

Item 4 – Public Open Space

- Layout extensively remodelled in respect of ABP comments and ensures proposal accords with Sustainable Residential Guidelines and Urban Design Manual and Cork County Council Recreation and Amenity policy. Topographical and extensive development exclusion zones remain which form part of passive open space provision and to account for this the layout and design of housing units responds directly to all passive open space provision providing adequate surveillance for same and visual amenity for units.
- Passive open space areas designed to act as open parkland with fringes of protected wildlife corridors with further proposals making extensive provision for pedestrian looped walks traversing the site increasing usability.

Specified Information

In response to the specified additional information requested by the Board the following is provided:

Drainage Details

Civil engineering Infrastructure report which provides confirmation of Pre-connection Enquiry from IW;

Adjoining lands full services and facilities provided on site and located as part of Cobh North Scheme with substantial contribution made by previous owner to reserve 900 PE for allocation to subject lands;

Storm drainage for portion of lands which do not command storm sewer has been agreed and is developable as part of per Ref. 10/08824.

Phasing Plan

Construction Phasing Plan linked to Part V provision and character areas;

Areas to be taken In Charge

Taking in Charge Drawing attached.

Site Specific Construction and Environment Management Plan

Outline Construction Environmental Plan (CEMP), Construction and Demolition Waste Management Plan ((C&DWMP) and Operational Waste Management Plan (OWMP) attached;

Colour Coded Layout of different Unit Types

Clear colour coding of all unit types on layout plans;

Plan Showing Proposed Pedestrian and Cycle Facilities to Cobh Town Centre, existing and proposed Rail Station and open space

Site Layout Plan and Statement of Consistency identifies proposed pedestrian and cycle facilities connecting proposed;

Demand for School Places Report

Statement of Consistency addresses with proposal requiring 101 primary places and 71 post primary places.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of

new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. **Section 28 Ministerial Guidelines**

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 S.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 Standards for New Apartments – Guidelines for Planning Authorities’ (March 2018).
- ‘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’

6.3. **Cork County Development Plan 2014-2020**

6.3.1. The core strategy is outlined in Chapter 2 of the Plan and considers the County Metropolitan Cork Strategic Planning Area which is referenced at Section 2.2.22 as the main engine of population and employment growth for the region. It states that it is essential that critical water services, roads and transport infrastructure are provided in a timely manner to ensure that sufficient lands are available to support the ambitious population growth targets. It states at Section 2.2.23 that the Council are mindful that 61% of the land supply (22,213 units) comes from a small number of large sites (9 in total). These sites require further study and infrastructure investment in order to unlock their potential. These requirements are set out in more detail in Chapter 15 Table 15.1 of this plan.

6.3.2. Table 15.1 identifies the major development projects within the Cork ‘Gateway’ area and prioritises the delivery of these according to likely progress in the delivery of critical infrastructure. Table 15.1 outlines each of the projects within the Cork

Gateway, both housing and employment and outlines the critical infrastructure required. The priorities are determined in tranches. Housing in Cobh is within Tranche 3 with the critical infrastructure on commencement stated to be improved road access between the N25 and Cobh Town and within the project the Cork Lower Harbour Towns Sewerage Scheme. Observations provided state it supports increased employment in Cork City Centre and Commencement of the master plan required for resolution of transportation issues. Section 15.2.10 of the Plan states that Projects in Tranche Three are projects where there is a more extensive lead time for the provision of critical infrastructure and master plan studies will be used to resolve these issues. The County Council will invite the appropriate infrastructure agencies to carry out preliminary design studies for these projects so that more detailed designs can be executed when the requirement to advance these projects arises in the coming years.

6.4. Cobh Municipal District LAP 2017

- 6.4.1. The Cobh Environs are addressed in Section 3.2 of this LAP. Cobh is identified as a Main Settlement in the Cobh Municipal District while retaining its status as a Metropolitan town in the County Metropolitan Strategic Planning Area in the overall strategy of the Cork County Development Plan 2014 forming part of the 'Cork Gateway' as a Metropolitan town on the suburban rail corridor. It states at Section 3.2.5 that the Cork Area Strategic Plan identified the opportunity to increase Cobh's residential population and proposed the most appropriate location for this to the north of the town along the Ballynoe Valley where a large mixed use residential area (700 units) was identified for development at Ballynoe with growth here to be linked to the provision of a new rail station at Ballynoe and connectivity to the town of Cobh.
- 6.4.2. The Plan specifically outlines the Urban Expansion Area at Ballynoe Valley (Sections 3.2.16 - 3.2.21) and notes that the Ballynoe sites comprise an area of approx. 72 hectares on the northern fringe of the town with access on to a local road network. It is stated that a framework proposal has been prepared for the site and that the site has some difficulties which will determine how it is developed including topographical constraints and the presence of high tension ESB power lines. In relation to funding it states that the provision of the necessary infrastructure on the site involves complex co-ordination of investment programmes by a number of infrastructure agencies with land in a number of ownerships with the Council proposing to co-

ordinate development and infrastructure provision through the use of agreements under Sections 47, 48 & 49 of the Planning and Development Acts.

- 6.4.3. In relation to Roads infrastructure, section 3.2.36 of the Plan outlines the existing road infrastructure for the town which provides that the only fixed link to the mainland experiences serious capacity issues at peak times, is poorly aligned in many parts and contends with flooding problems at Belvelly Bridge with road access to the town requiring significant upgrading. In relation to walking/cycling, Section 3.2.37 of the Plan states that there is a need to ensure that any new development provides quality pedestrian and cycle links to the town centre, schools and recreational facilities with a complete lack of cycle facilities noted in the town. Provision of a new rail station near the ferry is included in the LAP. The ferry crossing at Carrigaloe is also outlined which it is stated takes 5 minutes to arrive at Glenbrook
- 6.4.4. The Plan deals specifically with the Ballynoe Urban Expansion Area from Section 3.2.70 of the Plan. It is the stated objective of the Council to allow for an orderly development of the Ballynoe Valley area maximizing the development quantum relative to investment in infrastructure. It is stated that the previously zoned masterplan special policy area has been divided into a number of smaller residential zones (CH-R-09 to CH-R-19) with the objective of facilitating development in line with infrastructure provision. The LAP outlines the significant constraints related to the development of this area. The transportation constraints relate to the capacity of the local road network, capacity of Belvelly Bridge, alignment of R624, junctions within local road network, absence of pedestrian and cycle facilities, absence of a public bus service to Cobh and improvement of access to the train station from Ballynoe. Constraints in relation to water services are outlined as are the transmission lines and topography.
- 6.4.5. Section 3.2.80 notes that the quantum of houses envisaged for Ballynoe is 700 units delivered over two phases in tandem with facilities at an average density of 16 units per hectare. It notes that pockets of one-off houses require a buffer of lower density housing to protect amenity. In relation to transportation it states that significant improvements are required to the local road network to accommodate the level of growth anticipated with the most pressing upgrades, Belvelly Bridge and the R624 requiring State funding. In addition adequate pedestrian and cycling facilities within the site and connections to the wider area is an important factor allowing access to

the town centre and proposed train station at Ballynoe. Table 3.2.3 sets out the phasing of development within two distinct phases and a prior to commencement phase with strategic infrastructure and service requirements linked to each phase.

6.4.6. The **prior to commencement phase** of development requires the following:

Transport/Road Infrastructure – develop proposal for road upgrades/new road as necessary;

Water Services infrastructure – IW to commence the provision of water supply infrastructure and finalise provision of Cork Lower Harbour Main Drainage Scheme to ensure capacity for development of the lands;

Surface Water management – Undertake SuDS Study; and

Open Space – complete a landscape strategy to set out the strategy for the provision of allotments on CH-O-07 and playing pitches on CH-O-08.

6.4.7. **Phase 1 (0-450 dwellings) – Strategic infrastructure and Services requirements**

(Subject lands identified as CH-R-09, CH-R-10 and CH-R-11 are within Phase 1)

Water Services – provision of water supply reservoir (IW), capacity for wastewater treatment and collection (as required) (IW), implementation of SuDS study recommendations;

Transport – upgrade pedestrian and cycle connections along western portion of the Ballynoe Road to CH-C-01 (new rail station at Ballynoe) CH-U-01; Upgrade Tay Road and in particular the junctions serving the Urban Expansion Area, adjacent to the CH-B-02/CH-U-02 junction improvements; improvements to local roads (CH-U-03 and CH-U-04), provision of new link road (CH-U-05 and CH-U-06), creation of new access Road (CH-U-07) from the Ballynoe Road to serve CH-R-17, CH-R-18 and CH-R-19 and connect to new link road CH-U-06.

Education – provision of a primary school (Dept. of Education) with lands to be reserved for a 16 classroom primary school.

6.4.8. **Phase 2 (450-700 dwellings) – Strategic infrastructure and Services requirements**

Water Services – provision of water supply reservoir (IW), provision of capacity for wastewater treatment and collection (as required) (IW), implementation of SuDS study recommendations;

Transport – upgrade pedestrian and cycle connections along eastern part of Tay Road to junction with Hilltop Park road (CH-U-09). Provision of new link road (CH-U-08) connecting the development in CH-R-04 and linking with CH-U-07.

Education – provision of a primary school (Dept. of Education).

6.4.9. **General and Specific Objectives**

Section 3.2.90 sets out the general objectives which apply to Cobh. Specific objectives are then outlined for specific parts of the LAP area with those pertaining to the lands as outlined in the Cobh Map and those mentioned in the phasing above outlined as follows:

On site

The subject lands are within Ballynoe Expansion Area – Phase 1.

CH-R-09 – medium B density residential development – area 4.9 hectares.

CH-R-10 – medium B density residential development – area 4 hectares

CH-R-11 - – medium B density residential development – area 5.2 hectares

Directly Adjoining Site and Included in Phase 1

CH-U-01 – Upgrade the Ballynoe Road and Tay Road – pedestrian and cycle connectivity to proposed train station.

CH-U-02 - Upgrade local road – pedestrian and cycle connectivity to proposed train station.

CH-U-04 - Provision of New Link Road – roadline on map is indicative only.

Other Objectives in Phase 1

CH-U-03 - Upgrade local road – pedestrian and cycle connectivity to proposed train station.

CH-C-01 – New railway station including provision of park and ride facilities on the seaward side of the road.

CH-B-02 – business development to exclude retail (4.5 hectares).

CH-U-05 - Provision of New Link Road – roadline on map is indicative only.

CH-U-06 - Provision of New Link Road – roadline on map is indicative only.

CH-U-07 - Provision of New Link Road – roadline on map is indicative only.

CH-R-17 - medium B density residential development – area 4.8 hectares.

CH-R-18 - medium B density residential development – area 2.6 hectares.

CH-R-19 - medium B density residential development – area 3.5 hectares.

Other Objectives in Phase 2

CH-U-08 - Provision of New Link Road – roadline on map is indicative only.

CH-U-09 – Upgrading of Ticknock to Cobh Road including pedestrian walkways and cycleways

CH-R-04 – Medium A density, mix of house types and sizes and provision of a sports pitch with layout allowing for connectivity with and in particular pedestrian and cycle movements between the masterplan lands to the north.

CH-U-07 - Provision of New Link Road – roadline on map is indicative only.

6.5. Applicant's Statement

The applicant's statement of consistency with relevant policy required under Section 8(1)(iv) of the Act is summarised as follows:

- Proposal seeks to facilitate the Cobh LAP objective CH-U-02 by widening the existing public link roadway within the application site;
- Provision of temporary link road section to assist LAP objective CH-U-02 facilitated within the application site;
- Seeks to facilitate objective CH-U-04 by provision of a section of major public road infrastructure (including cycle path) within application site (on grade) to the Tay Road and objective CH-U-01;
- Identifies proposed pedestrian and cycle path connections into and via the adjoining amenity lands.
- Site has previous permissions including one extant permission has been identified for development since 2008 and has benefit of connection for 900 PE equivalent into wastewater drainage scheme due to payment of contributions;

- Proposal complies with core strategy which describes Cobh as a critical population growth centre within the Cork gateway achieving objectives to maximise new development in the Metropolitan towns including Cobh;
- Cobh MDLAP vision is to provide for population growth with proposed site identified to accommodate the growth;
- Proposal provides a much needed east west cycle/pedestrian link through the western part of the Ballynoe UEA comprising a strategic link to the proposed rail station and provides cycle/pedestrian links to the open space/amenity facilities planned to the south and west;
- Proposal compliant with SuDS policies;
- Compliant with requirements of LAP to start the development of 1778 units required by 2023 to meet objectives of LAP and provides temporary solutions to some of the constraints in relation to deficiencies in the Tay Road alignment;
- Proposal complies with general objectives CH-GO-01 & CH-GO-10 set out in LAP;
- Density on developable area of the site (9.3 hectares) is 33.7 units per hectare with a site layout provided outlining the exclusion areas in compliance with LAP;
- Character areas provide a wide range of dwelling types and varying density;
- Open space provision complies with Recreation and Amenity policy with 37% open space (passive and active) equating to 38 points in Cork policy;
- Ecological impact assessment and stage 1 AA Screening with NIS report carried out with finding of no significant impacts associated with proposal;
- No known archaeological sites or monuments within the application area;
- Proposal does not breach ridgeline towards Cobh with retention of native hedgerow adding screening;
- Construction and Environmental Management Plan submitted in accordance with Objective WS7-1;
- Mitigation measures to address traffic impacts include signalisation of junction 2 R624/Ballynoe Road which will encourage a change in current traffic distribution within the area;

- Proposal provides a 70 place 505 sq.m childcare facility in accordance with Guidelines;
- Significant local school provision within the area with site for a new school located 500m to east of site (objective CH-C-03) with the Department to submit a detailed application when population densities for the area meet their requirements with proposal requiring 101 primary and 71 post primary places;
- Compliance with range of guidelines outlined including Conserving Hedgerows, Joint Housing Strategy Cork PA's, Guidelines for Residential Estate Development (Cork Co.Co), National Spatial Strategy 2002, Smarter Travel;
- Proposal is not located on any recorded flood plain;
- Proposal fully compliant with DMURS as per Civil Engineering Infrastructural Report;
- Proposal complies with 12 criteria of Urban Design manual with proposed design reflecting character of existing residential estates within the area with use of brick and plaster, significant areas of active and open space to the character areas and connectivity linkages throughout and beyond the site;
- Seven distinctive character areas with harmonised contemporary dwelling design and materials with the areas complementing each other with development exploiting existing site contours;
- Traffic speed controlled by areas of shared surface and raised platforms with pedestrians/cyclist prioritised via a network of pathways and shared surfaces;
- Central parkland area creates a connected and enjoyable/safe environment with clear definition between public and private spaces;
- 30-40 metres separation distances between dwellings creating privacy;
- 536 car parking spaces with spaces within curtilages of houses and adjoining duplex/apartments;
- Crèche located centrally to ensure accessibility to all which will be a key centre of activity;
- Street hierarchy designed to facilitate maximum pedestrian and vehicular permeability with the site and assist outward transit objectives;

- Character areas within the development are arranged to ensure a well-defined streetscape with a high standard of finishes proposed;
- Boulevard style of street hierarchy with wide footpaths, tree lined verges and set back housing proposed with controlled pedestrian crossings not yet finalised;
- All road widths, alignments, junctions, parking and material finishes laid out in compliance with DMURS and other housing design guides;
- All duplex and apartments designed in full compliance with Designs Standards for New Apartments Guidelines 2018 and in most cases floor to ceiling height at ground floor meets 2.7m height;
- Proposal in compliance with range of policies included in Cork County Development Plan 2014;
- LAP objective CH-U-02 – states ‘note’ applicable however proposed section of public road widening of LAP CH-U-02 facilitated within development site and provision of temporary link road section to assist LAP CH-U-02 within development site;
- LAP objective CH-U-04 - states ‘note’ applicable however proposes provision of major public road infrastructure (incl. cycle path) to assist LAP objective CH-U-04 facilitated within development site linking Tay Road (on grade) east/west;

7.0 Observers

Four observer submissions were received by An Bord Pleanála. The following provides a summary of the main issues arising in each of the submissions received:

7.1. Belvelly Carrigaloe and District Community Association

The submission received is summarised as follows:

- Inordinate increase in traffic volumes from recent significant expansion of residential areas in Cobh resulting in noise pollution, creation of hazardous pedestrian and traffic environment leading to residents in Carrigaloe effectively cut-off from pedestrian access to the river ferry and Cobh and damage to vehicles;
- Vehicular access to homes and walking in areas of village hazardous with probable reduction in air quality with proposal exacerbating problems;

- The LAP outlines 7 references to transport deficiencies in Cobh with Council indicating concerns over the R624 and L2989-30 and Belvelly Bridge reaching capacity;
- Applicants response to primarily rely on a rail station which does not exist and is a planning aspiration with the nearest stations Rushbrook and Carrigaloe which are beyond reasonable pedestrian range of proposal;
- Cycle access is via R624 and not considered safe with limited on-road parking available at either station further restricting road;
- Existence of rail station cannot be regarded as a panacea with number of car journeys eliminated by access to possible station questioned;
- Linked transportation from stations to industrial and business parks absent;
- Matter for applicant or the Board to demonstrate the probable impact of a station at Ballynoe and not rely on unsupported assertions and consider transport problems outlines preclude this development at this time;
- Permission for this proposal would set a precedent for other applications on basis of transport capacity when proposal is likely to expand traffic beyond reasonable capacity of parts of existing system with potential to drift into another major expansion of housing in Cobh without significant transport infrastructure with consequences for communities extreme;
- Pre-planning meetings and shaping nature of submission and increasing number of units with ABP assuming function of primary planning authority rather than independent arbiter with those opposing the development, if granted, denied a financially proportionate avenue of appeal taken on planning merits with only option judicial review which has costs beyond capacity of most individuals with legislation employing financial means to suppress objections;

7.2. Cobh & Harbour Chamber

The submission received is summarised as follows:

- Welcome additional housing under current LAP but serious concerns that significant development being pushed forward by ABP on a fast track basis without support of necessary infrastructure being in place such as public roads, footpaths, lighting, surface water disposal management, flood prevention

measures, AA of Cork Harbour SPA and provision of additional community facilities;

- Chamber has lobbied for years for R624 and single narrow Belvelly Bridge to be upgraded to support local industry, commerce and tourism with projects shelved due to lack of funding;
- Tay Road remains narrow with dangerous bends and not upgraded due to lack of funding;
- Proposed train station an aspiration which will not be in place for years and ferry to mainland overloaded daily with access at rush hours creating daily traffic hazards;
- No transportation study available for area and no funding set aside;
- Local primary schools generally full and secondary children transported by buses to other towns;
- Major lack of infrastructure and community facilities in Cobh which needs to be addressed if significant housing is to take place;
- Request ABP and CCC to defer permission until such times as necessary infrastructure and community facilities are at least at advanced stage of planning;
- ABP might persuade Government to recognise serious infrastructural deficiencies on the Island and facilitate putting in place necessary resources;

7.3. John and Rose Quinn

The submission received is summarised as follows:

- Residing since 1978 in bungalow adjacent to site separated from application site by a hedge and wall at side and back with right of way/wayleave at rear of site to the stream running by the Tay Road (shown on map attached) and not included in layout and should be included;
- Request drain running alongside the hedge in proposed site is retained to prevent flooding of (observers) property;
- Hedging should be replaced with a concrete wall to facilitate continued lifestyle enjoyed;
- Proposed 2-storey crèche adjacent property would block natural light into site enjoyed for 40 years with security concern with single storey more appropriate;

- Crèche play area and neighbour play area would be security risk due to anti-social behaviour;
- Concern for security and privacy from proposed duplex units which would impact on natural light with bungalows more appropriate in the area;
- Ballyleary Road needs to be widened with footpaths and lighting required with existing heavy volume of traffic and dangerous junctions in vicinity;
- Not willing to have size of site reduced.

7.4. **Ballyleary Residents**

This is a very lengthy submission which includes a submission prepared by Kelleher & Associates, 27 submissions from residents which are summarised in the main document and a number of appendices including copies of pre-application meetings, maps of site boundaries, an ecological impact assessment and Circular Letter PL3/2017 relating to SHD. The following provides a summary of the submission:

- No objection to development for housing if available infrastructure including public roads, footpaths, lighting, water and drainage, connectivity is available to support the proposal;
- Layout should be low density and single storey in vicinity of existing residents to avoid overlooking and overshadowing with a more suitable location for the sewage system, crèche and play areas required;
- Funding for required infrastructure should be in place to enable and support the proposal;
- Required development agreements and approvals for necessary public roads upgrade and associated works in support of proposal should be at an advanced design stage ready for tender and approved by Councillors;
- Rural setting is a unique and challenging location for medium density development with access provided via a narrow bridge on narrow roads with topography of site difficult and limited compounded by location of power lines and main drainage pipes and associated wayleaves;
- CDP & LAP states infrastructure is essential to ensure development carried out in orderly manner and includes upgrade to infrastructure leading onto Cobh island with second railway station and ferry access upgrade also relevant;

- Roadmap setting out how Local Authority envisages infrastructure and related funding would be useful;
- Concern amongst landowners regarding Vacant Site levy with such a levy not applicable if Local Authorities are not provided with the financial resource to fund the required infrastructure;
- No significant project funds approved or available to local authority to upgrade either the Cobh road infrastructure or community facilities essential to support this proposal and understand LIHAF funding not available with pre-planning meeting noting no developable solution to overcome infrastructural deficiencies with Cobh in tranche 3 of Council's Urban Expansion Areas (CDP Table 15.1);
- Planning application is premature and should be refused or deferred to enable the Council to plan the infrastructure and funding and enable application redesign layout to a standard acceptable to the residents;
- Applications for single houses refused in the area because of road safety concerns;
- Density increased from 210 to 311 without any clarity on infrastructure;
- Loss of amenity from overlooking and overshadowing from backland duplex housing, loss of natural light, noise from play areas and crèche, noise from construction adjacent to existing properties, nuisance from play area too close to properties and lack of screening, potential for anti-social behaviour;
- Request ABP require applicant to provide a detail site assessment and review of proposal under BRE document and invite observer for comment and require duplex development moved to another area of the site and replaced with bungalow style units;
- Road safety issues, lack of access for first responders to and from the island, unsuitable and narrow roads and bridges with proposal for one way traffic in Ballyleary not an acceptable solution, lack of traffic lights and road widths, unsuitable and unsafe access to ferry and railway station with unsuitable access for children walking to school with no footpaths and lighting with cycle lanes proposed to connect to Cobh not within applicants land;
- Currently intermittent poor water pressure on Cobh Island and concern system will not be upgraded with a new water main as promised by Irish Water with

concern that IW cannot guarantee a flow rate to meet fire flow requirement with no design to show sufficient supply of water with adequate pressure will be available for a fire event;

- Concern existing sewage treatment plant will not be upgraded as required to support proposal with concern that main drainage in harbour not upgraded as required to support overall development on the Island;
- Proposal is very close to overhead transmissions lines leading to serious health hazard;
- Lack of primary and secondary school places on the Island with aspiration for a new school near the site in LAP but no school actually planned with applicant determining how many spaces would be required but no demonstration of where demand would be catered for in the area;
- Springs located on site which are source of Scounsel Stream with site used by wintering ducks and birds and rare birds, badgers and bats on site not investigated with loss of significant hedgerow to facilitate road widening;
- Concern that development of boggy site will lead to flooding on public road with site topography very steep with serious flooding in adjacent housing site where runoff was not contained but flooded onto public road with drainage design requiring review so that SuDS design is adequate with flood study required of Belvelly Bridge;
- Applicant has not raised the two main infrastructure topics raised in the ABP opinion which are critical questions requiring responses;
- Applicant submitted revised proposal for greater number of units despite the reservations raised about road and sewage infrastructure remaining unresolved with many other matters raised by the Council and the Board unresolved and require to be addressed;
- ABP have not prepared a second Inspectors report for the 311 unit development with the application allowed to proceed and request this is reviewed;
- Proposal should not have been allowed to proceed to application stage due to significant material matters raised by the Board which remain unresolved;
- No evidence of funding or any commissioning of a transportation study for the infrastructure works required to the road network;

- Applicant has not provided evidence of permission from landowners to carry out development works outside of the red line including from Local Authority for works on public road;
- Applicant has included land within the development site which is owned by Ms. Deirdre Crowley and are informed measures are being taken to rectify the matter but believe this cannot be done to current application;
- Traffic consultant engaged to carry out a critique of the traffic design and modelling which raises serious concerns that no assessment undertaken of impact on traffic safety or capacity of R624 link to N25 or N25 junction; TII assessment guidelines for assessment of traffic increases at junctions not addressed; detailed signal design of junction 2 required; independent Stage 1/2 Road Safety Audit required; safety issues for vulnerable road users (VRU's) that are not addressed; no footpaths and cycle lanes; road deficient and over capacity and adding additional traffic not adequately addressed with addition of traffic light to deficient priority junction not a significant upgrade;
- Primary concern impact on vulnerable road users on difficult and historically unsafe road network with assessment undertaken not considering limited available infrastructure/facilities and consequences for VRU's;
- Detailed construction traffic management plan required prior to decision given restrictive rural nature of roads and suggestion of one-way system on public road requires statutory process with changes to traffic flow on public road not within gift of applicant;
- Concrete and deliverable proposals for cycle facilities required;
- Require applicant to carry out further ecological assessment including a wildfowl survey during winter months, bat survey during active season and detailed survey of badgers;
- Absence of overwintering wildfowl survey and proximity of Natura 2000 site means decision by applicant not to undertake a full appropriate assessment is premature with reference to recent Court Case involving ABP in respect of AA;
- Request permission is refused or deferred until issues addressed;

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Cork County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on 21st August 2018. It summarises the observer comments as per section 8(5)(a)(i) with the matters raised in both summaries are similar to those stated in the observations summarised above. The views of the Elected Member of the Cobh Municipal District as expressed at a special meeting held on 20th August 2018, as per section 8(5)(a)(iii) are outlined in the next section and the Planning Authority's planning and technical assessments are summarised below.

8.2. Views of Elected Members

The views of the Elected Members can be summarised as follows:

- Local road network particularly poor and development will exacerbate traffic congestion;
- Proposed traffic lights at junction with ferry crossing will cause traffic chaos at peak times with traffic already backing up at this junction;
- Concern at lack of pedestrian connectivity to Cobh Town;
- No details within application on when infrastructure will be provided;
- Queried increase in density having regard to infrastructural problems in the area;
- Support further housing development in Cobh but infrastructure should be capable of absorbing it and not impact on quality of life of existing residents;
- Development should not go ahead until such time as the infrastructure in the LAP is delivered;

8.3. Planning Analysis

The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows:

Outline

- Section 2 of the report outlines the background of the proposal including the pre-planning meetings, site description and planning history;

Planning Policy

- Cobh is a main town within Metropolitan Cork and is the third largest Metropolitan Cork town after Ballincollig and Carrigaline.
- 2017 Cobh Municipal District Local Area Plan notes in the vision for Cobh that the Cork Area Strategic Plan (CASP) identified an opportunity to increase Cobh's population further to sustain and deliver additional retail, commercial and service functions with CASP identifying the most appropriate areas for this growth to the north of the town in the Ballynoe valley. Area is identified as an Urban Expansion Area in the Local Area Plan, and the bulk of the residential zonings for Cobh are in this area with plan stating that growth in this area should be linked to the provision of a new rail station at Ballynoe as well as improved connectivity to Cobh Town.
- LAP contains detailed policies in relation to the Ballynoe Urban Expansion Area, addressing constraints to development, infrastructural issues, detailed land use zonings, and phasing.
- Principle of developing the site for residential purposes accords with its zoning but in developing this site there are major infrastructural issues to be addressed.

Traffic, Transportation & Connectivity Considerations

- Significant infrastructural investment is required in this UEA with the reports of HIIT (Housing Infrastructure Implementation Team) and the Traffic & Transportation Section identifying deficiencies with the proposed development (HIIT report is summarised in section 9.5.3 below and Transport in Section 9.5.2)
- Cork CDP 2014 identifies a number of tranches for the Infrastructure Delivery Priorities (Table 15.1) for housing and employment projects in Metropolitan Cork with the delivery of housing in Cobh prioritised as Tranche 3 (the lowest) because some of the critical infrastructure required to be unlocked, including the improved access between N25 and Cobh, the resolution of local transportation issues and the delivery of the Cork Lower Harbour Towns Sewerage Scheme.
- Substantial phased development programme for the Ballynoe Urban Expansion Area outlined in the Cobh Municipal District Local Area Plan 2017 which is required to allow for an orderly development pattern with timing of each phase

directly linked to infrastructure availability (Table 3.2.3 on Pg 55 Cobh MDLAP 2017).

- Prior to the commencement of any development there is a requirement for the provision of certain transport/roads infrastructure, water services infrastructure, surface water management and a landscape strategy for the provision of strategic open space and further infrastructural requirements for the development of Phase 1 (up to 450 units) including significant road and connection upgrades linking the Ballynoe UEA to the town of Cobh, the rail station and the wider road network (in particular the Tay Road).
- County Council has identified a number of priorities to develop the necessary proposals to secure the delivery of the relevant infrastructure on UEAs where funding streams have been identified. HIIT is currently dealing with the implementation of infrastructure within the UEAs contained in Tranche 1 and 2 of the County Development Plan, which received funding under the Government's Local Infrastructure Housing Activation Fund (LIHAF) and which does not include Ballynoe UEA in Cobh North.
- LIHAF application process bid for funding for road realignment/upgrade of Tay Road, which is part of the package of measures to unlock the Ballynoe UEA, was unsuccessful.
- Council does not, at this point in time, have an approved Implementation Programme for the Ballynoe UEA.
- HIIT has commissioned high level Transport Assessments for all UEAs including the Ballynoe UEA, in order to identify the transport infrastructure needs of the UEA for all modes with the report currently being drafted and when finalised will form the basis for developing an Implementation Programme for the site.
- Shows a significant capital investment needed, some of which would have a benefit for the wider area (to which the Council should contribute) but much of which is considered essential works for the UEA and the full responsibility of the UEA developers.

- Report states that detailed transport assessments would be required to ascertain specific required transport measures related to development proposals.
- Site is not contiguous to other developed housing areas and safe/secure vehicular/pedestrian/cyclist connectivity is an issue that the Developer was asked to address. The documents that have been submitted do not address this adequately in relation to access to Ballynoe Road and the R624 junction (and the future rail station) and access to the south towards the town centre, schools and shops along the CH-U-03;
- Funding schemes (including substantial Special Contributions) are required to deal with these existing road and junction upgrades to provide capacity for the increased traffic and the connectivity necessary for this site.
- In the absence of an approved Implementation Development Programme for the activation of the lands at Ballynoe UEA, as outlined in the Cobh LAP 2017, including significant road upgrades, the development of Open Space and connections to the town which are fundamental to its appropriate development, the subject application, which proposes to provide infrastructure within the confines of the application site only, is inconsistent with the LAP and is considered to be premature.
- HIIT consider that granting permission to the proposed development as currently proposed would adversely impact on the implementation of the Ballynoe UEA within the development programme set out in the Cobh LAP 2017.
- Application proposes the signalisation of the junction of the R624/Ballynoe Rd but does not propose that it be carried out as an integral element of the development (it is not within the defined site).
- Principle of this proposal is acceptable to Cork County Council but it is only at concept stage and is likely to require a Part 8 development with no scheme designed or advanced by Cork County Council and no details relating to costings, possible land acquisition or other measures and no funding stream is identified.
- Proposal to signalise the junction may result in some additional capacity at this location but other planned developments at Great Island which require significant

road capacity include the Marino Point lands (earmarked in the LAP for port-related industrial development) and proposals for additional cruise liner traffic with both of these of strategic importance to the region and the provision/protection of adequate road capacity for these uses is a key consideration for Cork County Council.

Relationship with Rail

- The site is within 1km of the rail line and the proposed new station with no clear timeline regarding the development of this station with nearest existing station at Cobh town (approx. 1.5kms from the site).
- Absence of adequate pedestrian/cyclist connections to the railway means that the opportunity to use this mode of transport is not properly availed of.

Density

- Density exceeds the range for Medium B (12 – 25 p/hectare) but the CDP identifies under Objective HOU 4-1 that densities between 25 and 35 per hectare can be considered at Medium B sites where an exceptional market requirement has been identified with the housing shortage currently being experienced in Metropolitan Cork constituting a reasonable exceptional market requirement to justify the density proposed.
- Given site's zoning objective, Objective HOU 4-1 of the County Development Plan, and the national guidelines, it is considered that the density proposed is acceptable.

Housing Layout

- Provision of a sustainable and quality living environment is a critical consideration for any housing scheme with good guidance available for applicants;
- Development performs poorly when measured against some of the criteria in Urban Design Manual in relation to layout, inclusivity, public realm and connectivity.
- Connectivity to the local area has already been highlighted as a critical issue with this development.

- Generally broad mix of house types, the standard of accommodation falls short of the minimum standards;
- Lack of distinction between the public open spaces and the semi-private communal spaces around the apartment blocks inside the southern boundary with better privacy and defensibility required and could be addressed through better boundary separation in a revised landscape proposal.
- Site contains two wayleaves, ESB power lines and also features challenging topography with such features inevitably resulting in higher than normal levels of open space provision.
- Many of the housing units have no direct view of the main open space areas to allow for passive supervision such as the area of open space featuring a play facility adjacent to the south eastern boundary of the site.
- Units 33 and 34 are positioned within an open space area and will result in high screen walls bounding the space with supervision poor and potential for anti-social activity taking place with similar issues arising at units 32, 165 and 188.
- Considered that the problems with the layout necessitate a refusal reason, although conditions to achieve improvements are also included.
- Layout is separated into two different zones in response to the topography with no direct vehicular connection between the two zones with cars from the southern zone having to exit the estate and drive north on the existing L-7015-0 and drive back into the northern zone to access the feeder road to the Tay Road or to access the crèche.
- Dwellings 63-70 and 71-78 have a rear separation distance of 22.9m but with the difference in ffl at almost 4m concern that amenities for the housing at the lower level may be compromised by overlooking and a revised approach to the design of this part of the site advised.
- Units 133-140 are close to 5m below the ffl of units 151-158, with a separation distance of c.28m and could be improved and the parking/footpath arrangements reorganized similarly to that proposed above for dwellings 63-70 and 71-78.

- Scope to improve a number of relatively minor elements within the development in order to achieve better house to house relationships.
- Unit 1 is likely to cast a significant shadow onto the rear garden of unit 2 and could be positioned a further 5m west within its site.
- Unit 11 has a 6.8m separation distance from the gable of house No 10 and its rear private open space will be dominated by this gable with scope to lengthen the separation distance to a minimum of 10m which could be achieved by pushing units 11 and 12 further north thereby reducing the area in front of the houses to accommodate the increase in separation distance.
- Concerns about overlooking of private open space for the ground floor apartments in the F1 duplex units (276 to 311) by the terrace overhead;
- Crèche is located at the n-east of the site and remote from a significant portion of the site and also adjoins an existing single storey dwelling with no section submitted which would illustrate the relationship with the existing dwelling.
- Noted that the apartments over the crèche do not have private amenity space and a revised more central location should be considered for the creche building and recommended that it be relocated to the general location of units 33/34, which has been identified as generating an unsatisfactory relationship with the adjoining public open space.
- Area currently proposed for the crèche appears to have scope for some housing development which fully addresses the relationship with the neighbouring dwelling.
- The road layout should comply with DMURS with a condition to this effect recommended. With most carriageways 6m in width opportunities exist for on-street visitor parking with proposed provision considered superfluous.

Detailed Design

- Architects Department notes that the external architectural designs are quite basic in their approach with an over dependency on large expanses of coloured brick.

- Design of the apartment blocks needs to be more appealing given context of the site.
- If permission is granted, a condition to agree the external finishes of the apartment complexes should be considered.

Housing Mix

- This proposed housing mix is considered reasonable.

Quality of Residential Accommodation

- Floor areas of the houses range from 92 to 137sqm. The internal spaces proposed are considered adequate.
- Specific Policy Requirement 5 of the Sustainable Urban Housing: Design Standards for New Apartments” (March 2018) requires that ground level apartment floor to ceiling heights be a minimum of 2.7m with this not adhered to in respect of blocks E1, H1, J1 and K1.
- All apartment buildings in the scheme do not meet at least one of the standards. This is a significant deficiency of the scheme.
- Site’s suitability for apartments is marginal (but can be considered having regard to the current housing shortage and the desire to maximize housing yields).
- Case to be made for ensuring that the apartments are well above the minimum standards. Providing apartments, many of which do not meet the basic standards will result in substandard accommodation and undermine the creation of a sustainable community which warrants refusal.
- If Board decide to grant permission, revisions to the design of the apartments will be required to meet the standards with the deficiencies identified for each block.

Part V

- Housing Department state that the proposal is not acceptable to Cork Co Co and if An Bord Pleanala recommends permission the Part V provision will have to be agreed with Cork County Council prior to the commencement of development. A condition is recommended in this regard.

Visual Impact

- Given topography of the area the development will not be visible from the historic town core of Cobh as the site is below the brow of the hill.
- Location of the photomontages are sufficient to demonstrate that the proposal will not be overly prominent in the landscape and will read as part of the settlement from the L-7014-0 and from Glenbrook / Passage West.
- Considered that the scheme proposed can be satisfactorily absorbed into the landscape without undermining the high value character of the surrounding area.
- Revised landscaping plan is required by the ecologist and the implementation of the landscaping plan will soften any potential visual impact.

Cut and Fill

- Recommended that a condition be attached that the stripping of top soil and the cutting and filling is carried out on a phased basis in line with the phases of development.
- Stripping of top soil and the cutting and filling should also be incorporated into a Construction and Environmental Management Plan.

Phasing

- If permission is granted, a phasing condition should be included which addresses the provision of recreational facilities, open spaces, the widening of the adjoining local roads and the provision of the internal road system including the feeder road.
- The crèche is proposed in phase 3 of the development and will be delivered in tandem with units 62 to 113. This is acceptable (but may be adjusted if the crèche is relocated).

Recreation and Amenity

- The size of the neighbourhood play areas equates to local play areas when they are measured against the Council's Recreation and Amenity policy.
- The applicant is claiming points for the provision of a looped amenity walk, but there is no scope for this in terms of the policy and a kick about area is not defined in the Council's policy.

- To achieve the minimum of 16 points, amendments to the layout are required. There is scope to incorporate a multi-use games area and re-consider generally the facilities on site. A revised proposal is recommended.
- At the s-east corner, the relocation of the play facility further west to the far side of the neighbourhood play area closer to the Block 213 to 221 will improve the surveillance from houses 203 through to 208.

Engineering Services

- No concerns are raised by the Council's Engineering or Environmental Sections with regard to the surface water disposal arrangements.
- In respect of foul water, a capital contribution of €458916 was paid towards the Cobh North WWTP. An allocation for housing within the site is reserved based on this. It is noted that the North Cobh WWTP will require upgrade to cater for the development and the plant will be decommissioned once the Lower Harbour Main Drainage Scheme is fully operational by Q4 2020. Foul water will then be discharged to the Lower Harbour Main Drainage Scheme.
- If Board are minded to grant the application, a condition that no dwelling is occupied until Irish Water has connected the Cobh sewer network to the new WWTP at Shanbally is recommended.

Appropriate Assessment and Ecology

- As the Competent Body for Appropriate Assessment, the Board shall determine whether the mitigation measures proposed in the Natura Impact Statement are sufficient to rule out adverse impacts on the Natura 2000 sites.
- The Council's Ecologist has reviewed the application and recommends conditions.

8.4. Response to Prescribed Bodies/Observers

Section 3 of the report summarises the views of the prescribed bodies and observers. This summary of similar to that outlined in Section 7 & 10 above and below.

8.5. Other Technical Reports

8.5.1. Architects Department

The report is summarised as follows:

- Acknowledge the amount of work in developing the design to current state on a site which is very restricted by both the connecting road infrastructure (as the scheme is mainly car dependent), the challenging topography and the very restrictive ESB restricted zone that runs through the site.
- Earlier concerns in terms of arriving at most economical use of the site in terms of achieving quality open space, appropriate mix of well-designed family type units, site security, safety, community interaction and adequate open space have not been fully addressed in the current design.
- Large portion of the site layout is based on a long linear design pattern approach resulting in an internal road network that encourages speeding traffic and misses the opportunity to create more of a neighbourhood feel to the development with the layout very disjointed and question whether the design complies with various Government Publications in terms of sustainable community design.
- Layout lacks overspill and visitor parking necessary for vehicular safety within the scheme and to avoid parking on the roadways and footpaths and protect pedestrian safety.
- Location of the proposed Crèche should be re-positioned on the site to reduce the impact on the amenity and privacy on adjoining houses / apartments as it's accessed through the inner estate roadway only.
- Quite an amount of the housing units have no view of the main open space green areas to allow for safety with play areas.
- Placement of proposed apartment blocks and relationship of same to the proposed green open space needs consideration to secure privacy and defensibility. More definitive separation boundary treatments are required here in a soft landscaped and creative manner.
- External architectural designs are quite basic in their approach with an over dependency on large expanses of coloured brick. The design of the apartment

blocks need to be more appealing and less urban looking on this sensitive site with redesign required.

- Difficulty in supporting overall design and recommend that the Council's report to the Board be very strong in its recommendation for a much improved design in a number of areas as highlighted above.

8.5.2. Traffic and Transport Section

The report is summarised as follows:

- Applicant's Transport Assessment (TA) does not consider the issue of the need to protect road capacity on the R624 between Great Island and its junction with the N25 at Cobh Cross for other planned developments.
- Applicant's proposals for connectivity from the proposed development on key routes should be significantly enhanced with a degree of certainty regarding delivery of all of the following required before the proposed development can be considered to be adequately served by the appropriate levels of connectivity:
 - Direct, reasonably high quality, connectivity from the development site for all transport modes to Cobh town centre, ideally via Ashgrove Road. This route should be provided with foot and cycle facilities along its full length.
 - High quality connectivity from the development site along the Tay Road(Ballynoe Road) to the R624 Cobh Road for vehicular traffic, walking and cycling. No plan has been developed to date for this connectivity and applicant's proposals do not extend beyond the boundary of the development site.
- Proposal to upgrade the Ballynoe Road/R624 Cobh Road junction to a signalised junction is welcome and considered desirable but project only at concept stage and with little certainty at present that it can be delivered. The design needs to be fully worked up based on high quality topographical survey data, any land acquisition issues resolved and Statutory Processes undertaken. The junction upgrade should provide for walking and cycling in addition to general traffic requirements. The issue of the proximity to the junction of the rail overbridge on

the Ballynoe Road is a critical element which needs to be addressed as part of the junction design.

- Only road access to Great Island is via Belvelly Bridge and while there may be some available capacity at this location at present and as a result of the mitigation proposed by the applicant, two issues remain to be resolved in this regard:
- Other planned developments on Great Island include additional cruise liner traffic and more significantly, Port related traffic likely to arise from the Marino Point lands. The impact of development traffic from the current proposal on road capacity likely to be required to service other planned developments requires further consideration and
- The undesirability of permitting additional traffic volumes onto the R624 at Belvelly Bridge, notwithstanding available road capacity, in the context of overdependence on a single access to Great Island. This raises the issue of access for emergency vehicles during periods of accidental blockage of this route etc.
- Recommended that for the reasons outlined, the proposal is premature, pending the development of more considered proposals to resolve the highlighted transport related issues.

8.5.3. **Housing Infrastructure Implementation Team (HIIT)**

Overview

- HIIT was set up within Cork County Council Forward Planning and Strategic Development Directorate in December 2016 to provide a dedicated team to seek the implementation of the 9 Urban Expansion Areas (UEAs) in Metropolitan Cork through innovative funding and infrastructure delivery mechanisms, including the Ballynoe UEA in Cobh North.
- HIIT is involved in multiple processes to seek to provide the infrastructure considered necessary to open up housing areas within the UEAs for development including the following; LIHAF funding application process, land assembly

process, planning/development contributions processes, design and procurement processes.

- Cork County Development Plan 2014 identifies a number of tranches for the Infrastructure Delivery Priorities (Table 15.1) for housing and employment projects in Metropolitan Cork. In this table, the delivery of housing in Cobh has been prioritised as Tranche 3 (the lowest) because of some of the critical infrastructure required to be unlocked, including the improved access between N25 and Cobh, the resolution of local transportation issues and the delivery of the Cork Lower Harbour Towns Sewerage Scheme.
- In addition to its categorisation as a tranche 3 site in the County Development Plan 2014, there is a substantial phased development programme for the Ballynoe Urban Expansion Area outlined in the Cobh Municipal District Local Area Plan 2017. This is required to allow for an orderly development pattern with timing of each phase directly linked to infrastructure availability (Table 3.2.3 on Pg 55 Cobh MDLAP 2017). Prior to the commencement of any development there is a requirement for the provision of certain transport/roads infrastructure, water services infrastructure, surface water management and a landscape strategy for the provision of strategic open space. In addition to this there are further infrastructural requirements for the development of Phase 1 (up to 450 units) including significant road and connection upgrades linking the Ballynoe UEA to the town of Cobh, the rail station and the wider road network (in particular the Tay Road).
- County Council has identified a number of priorities to develop the necessary proposals to secure the delivery of the relevant infrastructure on UEAs where funding streams have been identified. HIIT is currently dealing with the implementation of infrastructure within the UEAs contained in tranche 1 and 2 of the County Development Plan, which received funding under the Government's Local Infrastructure Housing Activation Fund (LIHAF). This does not include Ballynoe UEA in Cobh North.

- As part of the LIHAF application process, County Council had also included a proposal for the funding of road realignment/upgrade of Tay Road, which is part of the package of measures to unlock the Ballynoe UEA. However, bid was unsuccessful. Visibility on the delivery of other key infrastructure required in order for development to be considered in accordance with the requirements of the development programme for Ballynoe UEA outlined in the Cobh LAP 2017. The Council does not, at this point in time, have an approved Implementation Programme for the Ballynoe UEA.
- In terms of progress, HIIT has commissioned high level Transport Assessments for all UEAs including the Ballynoe UEA, in order to identify the transport infrastructure needs of the UEA for all modes. This report is currently being drafted and when finalised will form the basis for developing an Implementation Programme for the site. It shows that there is a significant capital investment needed, some of which would have a benefit for the wider area (to which the Council should contribute) but much of which is considered essential works for the UEA and the full responsibility of the UEA developers. It is however a high level report only and states that detailed transport assessments would be required to ascertain specific required transport measures related to development proposals.

Housing infrastructure implementation issues

- Site is not contiguous to other developed housing areas and safe/secure vehicular/pedestrian/cyclist connectivity is an issue that the Developer was asked to address. The documents that have been submitted do not address this adequately in terms of:-
 - access to Ballynoe Road and the R624 junction (and the future rail station);
 - access to the south towards the town centre, schools and shops along the CH-U-03
- Funding schemes (including potentially substantial Special Contributions) would be needed to deal with these existing road and junction upgrades to provide capacity for the increased traffic and the connectivity necessary for this site.

- Given the relatively large increase in traffic on the existing local road network to be expected from this development, there are significant impacts that haven't been identified in the Traffic Impact Assessment (TIA) submitted. Specifically:-
 - There is a risk of traffic increasing at the priority junction of the CH-U-02/Tay Road which would be undesirable. There are no proposals to improve this junction as required by the Cobh Local Area Plan (Table 3.2.3)
 - This development would see a large change in traffic on existing narrow local roads. There is a need for improvement to these local roads and possible junction signalisation (part of CH-U-02 outside of the site and CH-U-03 and its extension to the south towards the town).
- Recommended that in the absence of an approved Implementation Development Programme for the activation of the lands at Ballynoe UEA, as outlined in the Cobh MDLAP 2017, including significant road upgrades, the development of open space and connections to the town which are fundamental to its appropriate development, the subject application, which proposes to provide infrastructure within the confines of the application site only, is inconsistent with the MDLAP 2017 and is considered to be premature.
- HIIT view that granting permission to the proposed development as currently proposed would adversely impact on the implementation of the Ballynoe UEA within the development programme set out in the Cobh LAP 2017.

8.5.4. **Area Engineer**

- File to be referred to Traffic and Transportation and Planning Sections for comment
- No objection subject to 11 conditions

8.5.5. **Environment Directorate**

The report states no objection subject to 7 proposed conditions which reflect the following:

- Section 2.3 of the engineering report details how the stripped topsoil should be treated and this should be conditioned. Soils to be stripped and stockpiled in the driest conditions possible. The stockpiles to be heaped at slopes of 1 in 2 and grass seeded with a grass/clover mix to avoid soil erosion and minimise surface water runoff. Stockpiles to be protected so that no vehicles will run over them.
- Waste water to be connected to IW public sewer.
- Irish water have stated that upgrade works are required to increase the capacity of the North Cobh Wastewater Treatment Plant before a connection to the proposed estate can occur. Should be conditioned that no foul sewer flows from the houses until the new waste water treatment plant is operational.
- Noted that surface water has been designed as 6 separate systems. Systems 1-5 discharge to IW public sewer and onto the Cork Lower Harbour main drainage scheme. The sixth system will discharge to the Ballymore stream and then to the outfall at Cuskinny. This system was designed under Suds and has included attenuation. There is also an open drain along the length of the North West border that is being maintained.
- Noise and Dust during construction period to be minimized using standard mitigation measures to be detailed in the CEMP which is to be brought to the attention of all contractors and subcontractors before commencing work on site.

8.5.6. Estates Engineer

The report includes a suite of 27 conditions and notes that following:

- Roads - adequate road and footpath widths retained throughout the development and traffic calming measures restricted to raised table tops and integrated speed ramp methods.
- Footpaths - pedestrian route/footpaths throughout the development adequately lit and overlooked at all times to avoid possible anti social behaviour and lighting plan to be agreed with the PL engineer in advance of works commencing on site. All internal footpaths to be minimum 2m wide to accommodate vulnerable users.

- Parking - adequate car parking made available and where possible adjacent to the dwelling.
- Open Spaces - usable and adequately overlooked by dwellings. An existing ESB pylon located within open green space to be adequately secured from public access.
- Boundaries - all boundaries to public spaces to be agreed in advance prior to commencing works on site. Existing ditch boundaries to be retained and supplement where possible.
- Turning Areas - all turning areas to be adequately sized and suitable for heavy vehicles such as refuse trucks and fire engines.
- Surface Water - all surface water network lines to be constructed in public areas. Storm Water Attenuation is required and proposed. The attenuation tanks located in public property should contain a manhole with a hydrobrake and petrol interceptor.

8.5.7. **Ecologist**

The report is summarised as follows:

- While ABP complete the Appropriate Assessment a number of recommendations are proposed in relation to surface water management and wastewater treatment;
- Applicants have submitted a very comprehensive Ecological Impact Assessment Report in support of their application. The summary findings of this report are that the main ecological features of natural value are the field boundaries comprising mature treelines and scrub habitat and the boundary drainage ditch/stream. The treelines on the site are used by typical countryside bird species and are likely to also be used commuting and foraging bats.
- No evidence of residency of badgers or other protected mammal or other faunal species recorded at the site, which was considered to have limited potential for native faunal species.
- No rare plant species were identified during site survey and no high impact Invasive Alien Species were recorded on site.

- Proposed planting scheme is set out on drawing 1028 lacks detail, and would benefit from the input of the project ecologist which could be resolved by way of condition, requiring the applicants to submit a more detailed landscape plan as per below.
- The EclA includes recommendations relating to the protection of the boundary drain or stream, and recommends the incorporation of protection measures for same into the CEMP for the site which can be dealt with by condition.
- The conclusion of the assessment is that the site the subject of this application is of local importance from an ecological perspective, and that its development will have no long term impact on biodiversity.
- A number of conditions are recommended including mitigation measures designed to minimise impacts to water quality, to protected species and to habitats of high natural value including the boundary stream, as set out in the Ecological Impact Assessment Report and the NIS shall be incorporated into the final CEMP which shall be submitted to the Planning Authority for agreement and that the applicants shall submit a detailed landscape plan to include a planting schedule.
- It is also recommended that a condition is attached requiring that no house or other building shall be occupied until such time as the Cobh sewer network has been connected to the new WWTP at Shanbally.

8.5.8. **Archaeologist**

- References County Development Plan objectives as follows: policies HE 3-1 protection of Archaeological Sites, Objective HE 3-2: Underwater Archaeology, Objective HE 3-3: Zones of Archaeological Potential, Objective 2014 HE 3-4 Industrial and Post Medieval Archaeology, HE 3-5 Burial Grounds and outlines sections on Medieval Archaeology, Industrial and Post medieval Archaeology and Archaeology and Development
- Outlines the findings of the Archaeological Desktop Assessment and notes that no archaeological investigations were carried out and that the assessment notes

that the potential for subsurface archaeological material has not been fully determined and that the assessment recommends a further evaluation of the subsurface potential of the site through a programme of archaeo-geophysical survey followed by a phase of targeted testing of any anomalies identified by the geophysical survey and a general array of archaeological test trenches, recommending that this is conditioned part of the grant of planning permission.

- Concur with the recommendation but recommend it is carried out in advance and part of the Archaeological Assessment.
- Cork County Council require geophysical survey and archaeological test trenches in large scale developments such as this as part of the Archaeological Impact Assessment so as to enable the 'preservation in situ' of any significant archaeological material identified and inform the design and layout of the proposed development prior to lodging a planning application.
- The site has not been subjected to a full and detailed archaeological assessment which is required by the Local Authority for large scale development such as this. Given the scale of the development and the potential of subsurface archaeology on site, a geophysical survey and archaeological testing should be carried out in order to make an informed planning decision.
- Conditions are recommended regarding the carrying out a geophysical survey followed up by a programme of targeted archaeological testing to inform design and monitoring of all ground works.

8.5.9. **Housing Department – Part V**

- Council has not agreed to the Part V proposal;
- Informed by applicant that Part V to be agreed prior to commencement of development.

8.6. **Recommendation & Conditions**

8.6.1. **Recommendation**

Section 5 of the opinion provides a Chief Executive Recommendation which states that notwithstanding the site zoning, it is the view of the Planning Authority that the

development of the lands is premature pending the upgrade of local infrastructure, that the layout and design approach is generally unacceptable and that the proposal does not conform to Apartment Guidelines and that permission should be refused for three reasons which are summarised as follows:

1. The subject site does not have adequate connectivity to the town or to local services, and significant infrastructural investment is required to realise the development objectives for Ballynoe Urban Expansion Area as set out in Table 3.2.3 of the LAP. This includes upgrades to road infrastructure, development of open space and connections to the town, all of which are fundamental to the appropriate development of the site and the UEA. In the absence of an implementation programme to address these infrastructural deficiencies, including the existing deficiency in the road network, the proposed development is considered premature and likely to undermine the orderly development of the UEA.
2. The proposed development performs poorly against guidance outlines in the Sustainable Residential Development in Urban Areas Guidelines and Urban Design Manual in a number of respects, including: large areas of public open space, much of which are inadequately supervised; In a number of locations within the site, the rear house to house separation distances are inadequate having regard to the proposed finished floor levels; Connectivity to Cobh and nearby services is poor; The arrangement of the apartment blocks inside the southern boundary is poor having regard to their relationship with the roadway and surrounding open spaces.
3. The Section 28 Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments sets out minimum standards which are to be achieved in the design of apartments, relating to room sizes, amenity space and storage space. There is a specific policy requirement in the Section 28 Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments that all ground floor apartment floor to ceiling heights be a minimum of 2.7m. The proposed apartments fail to satisfy many of these standards, including the requirement for floor to ceiling height and will result in a development which is substandard in terms of the quality of the apartment units.

8.6.2. **Development Contributions**

The report outlines the development contributions required and notes that the site is located approximately 1km from the rail line and is substantially within the zone of the Railway Supplementary Contribution Scheme.

8.6.3. **Proposed Conditions**

The Planning authority have included a suite of c.64 suggested conditions if the Board are minded to grant permission. This includes a condition with suggested revisions to the scheme which include the following:

- Omission of units 33 and 34 and relocation of crèche to this part of the site.
- Units 63-70 inclusive to be moved further north by approx. 2-2.5m while units 71-78 to be moved further south by approx. 2 -2.5m to increase the rear separation distance. Proposed front boundaries to be omitted and a grouped parking area in front of the houses developed, with the parking area immediately adjacent to the carriageway and the footpath to run in front to these houses.
- Units 11 and 12 to be moved 3m further north towards the road to increase the separation distance between units 11 and 10.
- Revised proposals for the layout of the parking and “shared surface” areas outside units 151 -158, such that the parking area immediately adjoins the carriageway and the footpath/informal amenity area is created in front of the houses.
- Unit 1 to be repositioned approximately 5m further west within its curtilage.
- Visitor parking areas to be omitted.
- A landscape/boundary proposal to define semi-private amenity spaces from general public open spaces around the apartments inside the site’s southern boundary.

9.0 **Prescribed/Other Bodies**

Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

9.1. **Transport Infrastructure Ireland (TII)**

The submission from the TII state that they have no observations to make.

9.2. **Irish Water**

The submission from Irish Water states that subject to a valid connection agreement being put in place between Irish Water and the developer that the proposed connections to the Irish Water networks can be facilitated.

9.3. **Cork County Childcare Committee**

The submission from the Cork County Childcare Committee is summarised as follows:

- 8 existing childcare services in Cobh with 490 children under 6 as outlined in 2016 Census for Cobh Rural and 224 for Cobh Urban and closest service offering full day-care Little Learners between 39-45 minutes walking distance and second closest 50 minutes walking distance;
- Likely to be sufficient capacity to accommodate proposed service;
- Clear floorspace in proposed facility inadequate, age mix in designated rooms inappropriate, ECCE sessional service regulations apply; sleep room not required in preschool rooms with sleep rooms requiring direct access to outdoors;
- Rooms should conform to adult:child ratios and advise plans for proposed service be reviewed in light of ratios;

10.0 **Oral Hearing Request**

10.1. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. While an oral hearing was requested it was decided that having regard to the information on file, to the nature of the proposed development and to the location of the development site, that there was not a compelling case for an oral hearing in this instance.

11.0 **Assessment**

11.1. **Introduction**

11.1.1. Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars and submissions/observations on file, I consider that the following are the relevant planning considerations of this application which I will address in turn:

- Procedural matters
- Principle of Proposal
- Development Strategy
- Transportation, Access and Connectivity
- Residential Amenity
- Engineering Services
- Ecology
- EIAR
- Appropriate Assessment

11.2. **Procedural Matters**

11.2.1. The observers have raised a number of procedural matters which I will address in turn. The first matter relates to the inclusion of lands owned by Ms. Deirdre Crowley within the planning application boundary as outlined in red in the documentation submitted by the applicant. It appears from the land registry maps submitted with the observation (Folio CK82574F) that the area of land to the west of the site is within Ms. Crowley's ownership. I would note that it is included within the parcel of land zoned for development in the LAP however if it is not owned by the applicant then proposing to develop on same is not appropriate and should be addressed by the applicants expeditiously. In addition, the observations suggest that lands not within

the applicant's ownership are included within the application boundary such as public roads without the relevant consent. While I note the proposed signalisation of the junction with the R624 it is not intended that the applicant would carry out these works and they are not included within the application boundary. John and Rose Quinn, who own a property to the north east of the site and adjoining the site, include a land registry map which outlines a wayleave to the rear of their site and within the application site which is not included within the documentation. Again I would suggest that this matter is addressed by the applicant expeditiously. I would recommend that if the Board are minded to grant permission that they include reference to Section 34(13) of the Planning and Development Act 2000, as amended. Finally, the Belvelly Carrigaloe District Community Association observation outline their concerns with regard to the SHD process. This process is set down in Statute and therefore it is not a matter appropriately addressed as part of the assessment of this application.

11.3. Principle of Proposal

Overview

11.3.1. While I note the observer's reference to the rural character of the area, the land in question is zoned for residential development and therefore in principle the proposed development of residential units is acceptable. However, the lands in question are also subject to other polices which determine their appropriate development. In this regard, while zoned for residential use, they are located within an Urban Expansion Area as set out in County and Local Planning policy. In this regard I consider that the principle of their development is subject to the consideration of the overarching polices set out in the County Development Plan and outlined in more detail in the Local Area Plan. I will address each in turn.

Cork County Development Plan 2014

11.3.2. The Cork County Development Plan 2014 identifies a number of tranches for the Infrastructure Delivery Priorities (Table 15.1) for housing and employment projects in Metropolitan Cork. In this table, the delivery of housing in Cobh has been prioritised as Tranche 3 (the lowest) because of some of the critical infrastructure required to be unlocked, including the improved access between N25 and Cobh, the resolution of local transportation issues and the delivery of the Cork Lower Harbour Towns

Sewerage Scheme. The County Council has identified a number of priorities to develop the necessary proposals to secure the delivery of the relevant infrastructure on UEAs where funding streams have been identified. It is stated in the Chief Executives report from Cork County Council that the HIIT is currently dealing with the implementation of infrastructure within the UEAs contained in tranche 1 and 2 of the County Development Plan, which received funding under the Government's Local Infrastructure Housing Activation Fund (LIHAF). This does not include Ballynoe UEA in Cobh North, which as I outline below, was unsuccessful in its bid for LIHAF funding. It is therefore clear that in the context of the delivery of development at a County level whereby Cobh is within tranche 3 that the proposal on the subject site is premature

LAP Phasing and Objectives

- 11.3.3. Of particular note in respect of the phasing and delivery of development and identified infrastructure is the submission received with the Chief Executives Report from the Housing Infrastructure Implementation Team (HIIT) referenced above. The report outlines the purpose of the HIIT team, which in summary, was set up to provide a dedicated team to seek the implementation of the 9 Urban Expansion Areas (UEAs) in Metropolitan Cork through innovative funding and infrastructure delivery mechanisms. These areas include the Ballynoe UEA in Cobh North within which the site is located. The report outlines the multiple processes sought to provide the infrastructure considered necessary to open up housing areas within the UEAs for development including the following; LIHAF funding application process, land assembly process, planning/development contributions processes, design and procurement processes.
- 11.3.4. Of significance in respect of the proposed development is the substantial phased development programme for the Ballynoe Urban Expansion Area which are outlined in the Cobh Municipal District Local Area Plan 2017. The HIIT report notes what is required to allow for an orderly development pattern with timing of each phase directly linked to infrastructure availability. They refer to Table 3.2.3 on pg 55 of the Cobh MDLAP 2017 which outlines in detail the phasing stages and the works required to facilitate each phase. As I have outlined in Section 6 above, the 'Prior to the commencement of any development' phase requires the provision of certain transport/roads infrastructure, water services infrastructure, surface water

management and a landscape strategy for the provision of strategic open space. In addition to this there are further infrastructural requirements for the development of Phase 1 (up to 450 units) including significant road and connection upgrades linking the Ballynoe UEA to the town of Cobh, the rail station and the wider road network (in particular the Tay Road). The subject site is clearly stated in the LAP, at page 58 which outlines the specific development objectives, as being within Phase 1.

- 11.3.5. By way of outlining the progress to date on this Urban Expansion Area, the HIIT report states that as part of the LIHAF application process, the County Council had also included a proposal for the funding of road realignment/upgrades of Tay Road, which is part of the package of measures to unlock the Ballynoe UEA. However, this bid was unsuccessful. They state that visibility on the delivery of other key infrastructure is required in order for development to be considered in accordance with the requirements of the development programme for Ballynoe UEA outlined in the Cobh LAP 2017. They categorically state that the Council does not, at this point in time, have an approved Implementation Programme for the Ballynoe UEA.
- 11.3.6. They state that the HIIT has commissioned high level Transport Assessments for all UEAs including the Ballynoe UEA, in order to identify the transport infrastructure needs of the UEA for all modes. They state that this report is currently being drafted and when finalised will form the basis for developing an Implementation Programme for the site. They state that it shows that there is a significant capital investment needed, some of which would have a benefit for the wider area (to which the Council should contribute) but much of which is considered essential works for the UEA and the full responsibility of the UEA developers. It is however a high level report only and states that detailed transport assessments would be required to ascertain specific required transport measures related to development proposals.
- 11.3.7. Having regard to the documents submitted by the applicant, most notably the Statement of Consistency, the applicants highlight how they consider they can assist in achieving a number of objectives outlined and fail to address the other objectives clearly outlined particularly in Phase 1 as outlined in Table 3.2.3 of the LAP. The HIIT report and the Transportation report submitted highlight particular issues in respect of traffic safety and pedestrian/cycle connectivity which I outline in a separate section below. However, what is clear is that the requirements clearly set out to facilitate Phase 1 of the Ballynoe Urban Expansion Area have not and cannot

be provided by the applicant. For the Board's information the requirements outlined in Table 3.2.3 are as follows:

11.3.8. The **prior to commencement phase** of development requires the following:

Transport/Road Infrastructure – develop proposal for road upgrades/new road as necessary;

Water Services infrastructure – IW to commence the provision of water supply infrastructure and finalise provision of Cork Lower Harbour Main Drainage Scheme to ensure capacity for development of the lands;

Surface Water management – Undertake SuDS Study; and

Open Space – complete a landscape strategy to set out the strategy for the provision of allotments on CH-O-07 and playing pitches on CH-O-08.

11.3.9. **Phase 1 (0-450 dwellings) – Strategic infrastructure and Services requirements**

(Subject lands identified as CH-R-09, CH-R-10 and CH-R-11 are within Phase 1)

Water Services – provision of water supply reservoir (IW), capacity for wastewater treatment and collection (as required) (IW), implementation of SuDS study recommendations;

Transport – upgrade pedestrian and cycle connections along western portion of the Ballynoe Road to CH-C-01 (new rail station at Ballynoe) CH-U-01; Upgrade Tay Road and in particular the junctions serving the Urban Expansion Area, adjacent to the CH-B-02/CH-U-02 junction improvements; improvements to local roads (CH-U-03 and CH-U-04), provision of new link road (CH-U-05 and CH-U-06), creation of new access Road (CH-U-07) from the Ballynoe Road to serve CH-R-17, CH-R-18 and CH-R-19 and connect to new link road CH-U-06.

Education – provision of a primary school (Dept. of Education) with lands to be reserved for a 16 classroom primary school.

11.3.10. While I note elsewhere the developments undertaken in respect of water services, the primary consideration in respect of the works required to facilitate the subject site relate to Transport. In this regard, the applicants propose the following:

- Facilitate the Cobh LAP objective CH-U-02 by widening the existing public roadway within the application site;

- Provision of temporary link road section to assist LAP objective CH-U-02 facilitated within the application site (road to east of site)
- Facilitate objective CH-U-04 by provision of a section of major public road infrastructure (including cycle path) within application site (on grade) to the Tay Road east/west;
- Identifies proposed pedestrian and cycle path connections into and via the adjoining amenity lands.

11.3.11. It is clear that what is required to facilitate this phase of development and what is proposed are significantly different. The HIIT report from Cork County Council outlines the steps required to get to an Implementation Plan for the works required as outlined above, which would I consider be the very least that the Board could accept in respect of considering an application for development of the lands. The Statement of Consistency does not address many of the objectives outlined in Table 3.2.3 which relate to the development of this site and in a number of instances refers to objectives which do not appear relevant to the site. They seem to ignore the objective relating to the Tay Road, seek to circumvent the objective of improving the junction between the Tay Road and 7015-0 to the east by providing a temporary link road through the site notwithstanding that the existing junction would remain deficient. They propose to provide a section of objective CH-U-04 through the site without any design consideration of how the revised location could impact on adjoining lands.

11.3.12. I would also note that the Statement of Consistency refers to the National Spatial Strategy and notes that the Government is currently in process of finalising a new National Planning Framework. However, I would note that as per Circular Letter FPS 02/2018 the National Planning Framework was published on 16th February 2018, 4 months in advance of the submission of the subject application. Notwithstanding same, I consider that the statement of consistency is deficient in respect of addressing the relevant objectives in the LAP which would highlight my consideration that the proposal is not consistent with specific objectives in the LAP in this regard. The HIIT recommended that in the absence of an approved Implementation Development Programme for the activation of the lands at Ballynoe UEA, as outlined in the Cobh MDLAP 2017, including significant road upgrades, the development of open space and connections to the town which are fundamental to its appropriate development, the subject application, which proposes to provide infrastructure within the confines of

the application site only, is inconsistent with the MDLAP 2017 and is considered to be premature. I concur completely with this recommendation.

11.3.13. In addition, the HIIT raise a very valid point in that the granting of permission to the proposed development as currently proposed would adversely impact on the implementation of the Ballynoe UEA within the development programme as set out in the Cobh LAP 2017 and would militate against the sustainable development of this area particularly in respect of improving connectivity for vulnerable road users. The proposed development therefore is premature pending, at the very least, definitive advanced designs, approvals and timelines by way of an implementation plan to be in existence for the delivery of the transport infrastructure, connectivity and other facilities and services required and set out in Phase 1 of the LAP. The proposal before the Board should be refused for this reason.

11.4. **Development Strategy**

11.4.1. While the previous section addresses the principle of the proposal and the issues raised in relation to the phasing of the proposed development, this section addresses the development strategy of the proposal before the Board under a number of headings.

Density

11.4.2. Firstly, I would note that Cobh has been designated as a Metropolitan town in the County Metropolitan Strategic Planning Area in the overall strategy of the Cork County Development Plan 2014 forming part of the 'Cork Gateway' as a Metropolitan town on the suburban rail corridor. Secondly, the LAP includes a specific objective, CH-C-01, for a new rail station located at Ballynoe. Therefore, given the designation of Cobh as a Metropolitan town within the Metropolitan Area and the location of the site within a designated Urban Expansion Area to facilitate the expansion of same and the proposed rail station, seeking to achieve sustainable density is a priority in my opinion. This site is also one of the first substantial sites within this area and within this parcel of designated land and therefore the density permitted on it will establish a precedent for other parts of the Ballynoe Urban Expansion Area.

11.4.3. In respect of compliance with the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites, where densities of 35-50 are appropriate, which was

specifically referenced by the Board in the Opinion issued, the site could also arguably comprise a site to which section 5.8 applies. Section 5.8 refers to public transport corridors and to land within existing or planned transport corridors. In order to achieve the quantum of development required to make such planned corridors viable higher densities must be sought with this section of the guidelines seeking minimum net densities of 50 units per hectare but with a provision that minimum densities can be specified in LAP's.

- 11.4.4. The opinion which issued from the Board following the pre-application consultation process required further consideration/justification of the documents as they relate to the density proposed in the proposed development. 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' (May 2009) in relation to such sites in respect of outer suburban sites. I would suggest to the Board that while a consideration of the site in relation to Outer Suburban is acceptable, given the planned public transport facilities that the proposal should at the very least achieve the densities included for such sites, that being 35-50 units per hectare.
- 11.4.5. The proposal provides a net density of 33.7 units per hectare which does not meet the 35-50 unit target. The calculation of the net density requires some consideration in my opinion. I would refer the Board to the exclusion zones included in a layout drawing and accompanying table in pages 23/24 of the Statement of Consistency. The areas excluded include the crèche zone, within which there are two apartments and the area of ground along the Tay Road in the vicinity of the boundary drain. I would suggest that the applicant needs to look at the appropriate calculation of net density as set out in Appendix A of the Sustainable Residential Guidelines which outlines what can be appropriately excluded. While the development strategy, which I discuss separately below includes duplex and apartment units in an effort to increase the density from that which was originally proposed, I consider that the absence of innovation in respect of the layout and the design of the housing units militates against the achievement of a higher density on the site. Notwithstanding, the topography and wayleave constraints on the site, the development of the site requires that it accord with the density provisions included in the Guidelines. If it does not, it would set an unacceptable precedent for the development of the

remainder of the Urban Expansion Area and fail to assist in creating the critical mass of development to make the planned railway station viable.

Layout/Neighbourhoods

- 11.4.6. The justification included in the documentation for the proposed layout relates to the sites constraints in relation to the existing power lines which traverse the site and to the wayleaves required due to the presence of sewers on the site. I referred above to the exclusion areas included in a layout drawing and accompanying table at pages 23/24 of the Statement of Consistency. These are constraints additional to the topography of the site which involves steep gradients from north to south. While I acknowledge that these constraints create difficulties in respect of developing the site they do not excuse poor design and layout. In addition to the constraints outlined, the applicant has proposed to retain the hedgerow which traverses the site effectively from east to west. This creates two distinct zones within the development proposal which are connected by means of two pedestrian/cycle access points. Therefore I consider that the layout must be considered in respect of the two elements of the development and how the overall concept addresses DMURS and the Urban Design Manual.
- 11.4.7. I note that the applicants Statement of Consistency outlines the proposed developments compliance with National Guidelines including the Sustainable Residential Guidelines and accompanying Urban Design Manual and the Design Manual for Urban Roads and Streets. However, I consider that while they may comply with elements of these documents the layout fails to have sufficient regard to the aforementioned documents. The northern area or zone of the site, referenced as Zone 1 comprises three areas of development which the applicant calls character areas. Firstly, the area is dominated by roads. In order to try and address the infrastructure constraints the applicants propose a link road through the site relieving the Tay Road/ L-7015-0 (CH-U-02) junction. This dissects the northern zone (zone 1) of the site. Access from the Tay Road into the site is immediately met by an internal road to the northeast and southwest parallel to the Tay Road, 6m wide culminating in a cul-de-sac to the southwest. Road 5 leads to a cul-de-sac as do numerous other roads all of which are 6m within this area with no hierarchy of roads created.

11.4.8. Other than providing minor change in house type proposed there is no creation of neighbourhoods within these three areas. The houses all have set back front elevations with parking within the curtilage to the front. No streets have been created with no attempt to create street enclosure. Parking adjoining the apartments at Road 8 is located between the front elevation and the pathway. Roads and parking dominate the layout. One of the glaring issues within this zone of the site is the absence of usable and easily supervised open spaces. There is one area of open space with a neighbourhood play area at road 5a to the southwest of the zone and another area of open space to the north east with a kick about area and neighbourhood play which are at the outer edge of the area with overlooking of this area limited to the very edge of same. The passive open space to the south of this zone is dominated by the powerline however even the area of open space to the south of this area adjoining unit 34 is addressed by the side elevation of this property. The crèche building is effectively squeezed into the site adjoining an existing residential dwelling with the outdoor play area directly adjoining this boundary. I would note the comments from Cork County Council that the layout as proposed has no direct vehicular connection between the two zones with cars from the southern zone having to exit the estate and drive north on the existing L-7015-0 and drive back into the northern zone to access the feeder road to the Tay Road or to access the crèche. This militates against the DMURS principle of streets leading to streets based on a hierarchy of roads.

11.4.9. Zone 2 is located south of the hedgerow. It comprises 4 'character areas' with two access points from the public road (L-7015-0). Again this zone is dominated by roads all of which are 6m in width with the two roadways traversing the site from the entrances from the public road following contours on the site from east to west. While I acknowledge the objective in the LAP, CH-U-04 provision of a new link road from east to west across the lands (the indicative line being located on a steep embankment to the south of this site) the road dominates and divides an already constrained site. The location of this road – Ch-U-04, appears to follow the route of the trunk sewer wayleaves. This is further exacerbated by the monotonous design of the units which adjoin the road all of which are set back with no creation of any streetscape. In this regard I would concur with the comments of the County Council's Architect. The character area to the north of this road are all housing units with parking located

between the elevations and pathways. The duplex units to the west of this roadway are all the same design creating a linear row of units void of any interest and variety dominated by the road and the parking areas. The apartments located to the south of this area are set within a sea of car parking and cul-de-sacs with two types of unit of very poor architectural quality. The public open space is located along the southern and eastern site boundaries overlooked by a minimal number of units which in some cases are side elevations. The open space is an afterthought at best with no creation of any focus or heart to the development of this area. While I acknowledge the topography is challenging it does not excuse substandard design.

11.4.10. As I note above, despite claiming to comply with the Urban Design Manual and DMURS the proposed development is deeply non-compliant with both. Without getting into each and every infringement, I would note the following. In relation to the Urban Design Manual one of the 12 criteria, No. 6 is distinctiveness and how the proposal create a sense of place. Criteria 7 is layout, how the proposal creates people friendly streets and spaces. I would note that the Statement of consistency describes part of the layout as having character areas arranged to ensure well defined streetscape with a reference at page 56 to a boulevard style layout with setback housing. The proposal fails totally in the creation of a sense of place with the 'boulevard style layout with set back housing' completely at odds with the concepts espoused in the Urban Design Manual. In terms of the public realm as outlined in Criteria No. 8, the Manual seeks to create safe, secure and enjoyable public areas. In terms of DMURS, one of the glaring issues in terms of compliance with same is the fact that every road is 6 metres in width and therefore there is no hierarchy of function. I note the road hierarchy drawing included (15082-P-005) however while roads are annotated with different functions each road is 6m in width with no actual hierarchy provided. DMURS seeks to avoid cul-de-sacs which streets leading to other streets. Even the terminology used in the drawings of roads rather than streets highlights the dominance of the road over the street user. I will address connectivity in the following section but I would note that the dominance of roads within the scheme undermines the order of priority central to DMURS notwithstanding the pedestrian/cyclist connections proposed.

Open Space

11.4.11. As I have outlined above, open spaces are either passive unusable parkland under or adjoining the powerline or incidental spaces on the edges of the development which are poorly overlooked and poorly considered. The documentation outlining the actual details within the documentation of the open spaces particularly the active spaces is particularly poor. I would also note that the actual provision of useable open space can be assessed by examining the exclusion zone layout drawing and accompanying table in pages 23/24 of the Statement of Consistency. The absence of meaningful, centrally located usable open space is glaring in this drawing. While I note the comments from the County Council in relation to the recreation and amenity policy of points and the disparity between the requirement and that proposed, I consider that the design and layout of open space is so substandard that trying to assess the proposal on the basis of the amenity policy is futile.

Apartment design standards and Crèche

11.4.12. I note the concerns expressed in the Cork County Council opinion regarding the failure to meet the 2.7 metre floor to ceiling height at ground floor of some of the Apartment units which affects the amenity of the units. I also note that in the Statement of Compliance the applicants note that they meet the Standards in most instances. I also note the concerns expressed by the Cork County Childcare Committee in respect of the proposed crèche and particularly the internal layout and ratios. I consider that given the overriding issues with this scheme that consideration of detailed issues regarding design standards of specific units or the crèche is unwarranted.

Conclusion

11.4.13. In conclusion, the density proposed does not meet the 35-50 unit per hectare recommendation in the National Guidelines which is of particular relevance given the planned rail station located in close proximity to these lands. Furthermore, notwithstanding the constraints posed by the sites topography and wayleaves, the layout of the development is very poor, lacks meaningful consideration of the creation of neighbourhoods and streetscape, lacks innovation in design and form, is dominated by roads and lacks quality usable open space. These issues were specifically addressed in the Opinion issued by the Board but notwithstanding the Statement of Consistency claiming to comply with the Urban Design Manual and

DMURS the layout as proposed does not. In my opinion, the proposal requires a completely new vision. In this regard, the proposal before the Board should be refused for reasons related to density, design and layout.

11.5. Transportation, Access and Connectivity

- 11.5.1. While I have outlined in detail above, the stated transport objectives required to facilitate development within the Ballynoe Urban Expansion Area as outlined in Table 3.2.3 of the LAP and my recommendation that the proposal herein is premature pending an implementation plan for same, I will address the concerns expressed regarding the proposal in the absence of same and in the context of the proposals put forward by the applicant in the documentation. As I outline above, for ease of reference the public road to the north/northwest of the site is referenced as the Tay Road and Ballynoe Road and is subject to Objective CH-U-01 in the LAP. This road has a speed limit of 60kmph although cars were travelling well in excess of same. It is approximately 6m in width and has no footpaths. The public road to the east of the site is referenced as Local Road L-7015-0 and Objective CH-U-02 in the LAP and in some observations is noted as the Ballyleary Road and the boreen. This road is c. 3m in width with no footpaths and steep embankments in places.
- 11.5.2. Firstly, in terms of the mitigation proposed by the applicant, both the original TTA and the addendum submitted with same include a specific mitigation measure which is central to the acceptability of the proposal from a traffic impact perspective. This is the signalling of the R624/Ballynoe Road (L2933- Tay Road) junction. I would note that the works required to signalise the junction are not proposed as part of the subject proposal with the only detail provided in the TTA and drawing SG-HD-P01. In this regard I would note the comments from the Transport and Traffic Section of Cork County Council and their report submitted as part of the Chief Executives Report. It states that the proposal to upgrade the Ballynoe Road/R624 Cobh Road junction to a signalised junction is welcome and is considered desirable but that the project is only at concept stage and with little certainty at present that it can be delivered. The design needs to be fully worked up based on high quality topographical survey data, any land acquisition issues resolved and Statutory Processes undertaken. The junction upgrade should provide for walking and cycling in addition to general traffic requirements. They add that the issue of the proximity to the junction of the rail overbridge on the Ballynoe Road is a critical element which needs to be addressed

as part of the junction design. Therefore it is quite clear, on the basis of the proposed mitigation, that the proposal is premature pending the upgrading of this junction or at the very least a planned implementation of same.

- 11.5.3. Inadequacies in the Transport Assessment provided by the Applicant have been outlined in the report by NRB Consulting Engineers on behalf of the Ballyleary residents contained in Appendix D of their observation. They note that results of various junction models have been presented but the model output is not provided and notwithstanding same they state that there are significant capacity constraints in the modelled junctions. They also note that there is no evidence to suggest that the addition of signal control to an already over capacity junction will result in any relieving redistribution of traffic. The report provides a very useful review of the information included in the TTA and addendum to same which fail, it is stated, to provide any commentary or appraisal on the suitability of the road to the east of the site (L-7015-0/CH-U-02) to safely accommodate increases in vehicular and vulnerable road user traffic although as indicated in the connectivity drawings this is a focal vehicular and pedestrian/cycle connection to the town centre.
- 11.5.4. I would also note the comments in the HIIT report that given the relatively large increase in traffic on the existing local road network to be expected from this development, that there are significant impacts that have not been identified in the Traffic Impact Assessment (TIA) submitted. While the applicant is proposing a connecting road within the scheme to effectively by-pass the Tay Road/CH-U-02(L-7015-0) junction, it is stated that there is a risk of traffic increasing at the priority junction of the CH-U-02/Tay Road which would be undesirable. I would note the width and alignment at this junction and particularly the poor visibility to the east/northeast and in this regard while the applicant may propose to by-pass the junction, it is inevitable given the proposal for 3 access points from the proposal onto this road that the use of this junction will intensify. As pointed out by the PA, there are no proposals to improve this junction as required by the Cobh Local Area Plan (Table 3.2.3) provided as part of the proposal. Clearly the absence of proposals to provide the required upgrades to the local road network as outlined in section 11.3 above highlight the prematurity of the proposed development in the absence of same.

11.5.5. This brings me to the matter of connectivity and particularly the matter of pedestrian and cyclist connectivity to both Cobh town centre and to existing and proposed public transport nodes. I note that the applicants reference Site Connectivity in their Statement of Consistency with a series of plates illustrating connectivity within and from the site and while the document outlines the proposed connections within the vicinity of the site as proposed in the LAP, the proposed development only delivers pedestrian and cycle paths within the site. I note the comments in the HIIT report which states that the site is not contiguous to other developed housing areas and safe/secure vehicular/pedestrian/cyclist connectivity is an issue that the Developer was asked to address. They state that the documents that have been submitted do not address this adequately in terms of access to Ballynoe Road (Tay Road) and the R624 junction (and the future rail station) and access to the south towards the town centre, schools and shops along the CH-U-03. I would also note that the report by NRB Consulting Engineers on behalf of the Ballyleary residents states that without supporting infrastructure that the proposal will result in very significant adverse traffic safety and traffic capacity issues particularly for vulnerable road users.

11.5.6. Therefore if the development was delivered as proposed future residents would not be able to cycle or walk from the site to the R624 junction or to the town centre given the absence of pathways outside of the site boundary. This is completely unsatisfactory and in this regard the proposal, as outlined in Section 11.3 above, is premature pending an implementation plan for the delivery of road infrastructure for the area to include pedestrian and cycle facilities. Furthermore, as also stated in the HIIT report, funding schemes (including potentially substantial Special Contributions) would be needed to deal with these existing road and junction upgrades to provide capacity for the increased traffic and the connectivity necessary for this site. I would suggest to the Board that this is the critical issue and clearly determines that the proposal currently before the Board is premature pending an implementation plan for the suite of measures required to upgrade the road infrastructure.

11.6. Residential Amenity

11.6.1. The principle concerns relate to the matter of the impact of the proposed development on the amenity of existing residential dwellings adjoining the site. There are existing residential development located at the northern corner of the site adjoining the junction with Tay Road and L-7015-0 with a cluster to the southwest of

the site addressing Tay Road. There is also a property to the south of the site. I consider that there are three properties which require specific consideration. The two properties close to the junction one of which is owned by observers John and Rose Quinn and the property to the south west owned by Ms. Deirdre Crowley. In relation to the former units to the north, they are proposed to be adjoined by the crèche and associated play areas and public open space. As I noted above, the crèche has been effectively squeezed into this area of the site with the play area on the boundary with the observer's property. While I do not consider that a two-storey unit addressing a single storey property is inappropriate I consider that the amenity of the existing units in this area would be compromised by the proximity of the play area of the crèche. As I have outlined, I have serious concerns at the layout proposed and consider that the location of the crèche and the play area in particular in this area of the site is inappropriate. In relation to Ms. Crowley's property to the southwest on Tay Road, I have addressed above, the procedural matter of her contesting the ownership of the land upon which two units are proposed. I would consider that this area of the scheme requires significant revision.

11.6.2. I note the concerns expressed in the Chief Executive Report received from Cork County Council in relation to the residential amenity of potential future occupants. The concern relates principally to what is considered to be inadequate separation distances between opposing facades when considered in the context of the gradient change. While I consider the concerns are relevant as I outline above, the proposed development needs a complete redesign and in this regard I do not consider it appropriate to suggest conditions seeking to improve such a substandard form of development.

11.7. Engineering Services

11.7.1. One of the critical issues with regard to the phasing of development within the Ballynoe Urban Expansion Area as detailed in Section 11.3 above related to water services and for Phase 1 in particular the provision of water supply reservoir (IW), capacity for wastewater treatment and collection (as required) (IW), and the implementation of SuDS study recommendations. While I address SuDS in the next following paragraphs, I would note that the works required to the new treatment plant at Shanbally and the sewer connections to pump to same from Cobh are underway with an anticipated completion date of 2020. The applicant also outlines the

substantial wayleaves for trunk sewers on the site and contributions paid in respect of previous development on the lands. I would also note that a number of Sections within the County Council recommend that if the Board are minded to grant permission that a condition is attached requiring that no house or other building shall be occupied until such time as the Cobh sewer network has been connected to the new WWTP at Shanbally. I would consider that this is a reasonable approach.

11.7.2. In relation to surface water the applicants state that the site is split in two. The southern portion of the site is proposed to discharge directly into the constructed storm trunk sewer and onto Cuskinny for discharge. The northern portion of the site will discharge to two attenuation tanks and a number of hydrobrakes and will discharge to the stream on the northern boundary at greenfield rates. It then joins the public sewer on the Tay Road to the north of the site. I note the comments of the Environment Directorate as outlined in their report included with the Chief Executive Report and that there is no objection to same with conditions proposed. I also note the SuDS measures and attenuation which are addressed at section 6 of the Civil Engineering Infrastructure Report. I would also refer the Board to the observation from Ballyleary residents regarding potential flooding of the public road and properties. However I consider that if the surface water regime proposed for the site was successfully delivered then the concerns expressed would be addressed.

11.8. **Ecology**

11.8.1. While I address Appropriate Assessment in Section 11.10 below, a number of reports presented to the Board address the matter of Ecology. Firstly, I would note that the Ballyleary resident's submission includes a report (appendix E) prepared by an Environmental Consultant which, in addition to addressing the most proximate SAC which I address in Section 11.10 below, questions the data collection for the site survey. It references the likely presence of badger and considers a bat survey is required. The Chief Executives Report received from Cork County Council included a detailed Ecological report from the County Ecologist. The report states that the applicants have submitted a very comprehensive Ecological Impact Assessment Report in support of their application with the summary findings of this report that the main ecological features of natural value are the field boundaries comprising mature treelines and scrub habitat and the boundary drainage ditch/stream. The treelines on the site are used by typical countryside bird species and are likely to also be used

commuting and foraging bats. The report does suggest that the proposed planting scheme as set out on drawing 1028 lacks detail, and would benefit from the input of the project ecologist which could be resolved by way of condition, requiring the applicants to submit a more detailed landscape plan. They note that the conclusion of the assessment is that the site, the subject of this application, is of local importance from an ecological perspective, and that its development will have no long term impact on biodiversity and they outline a number of proposed conditions including mitigation measures designed to minimise impacts. I would concur with the Cork County Ecologist in this regard and if the Board are minded to grant permission I would suggest that the conditions proposed are attached.

11.9. EIAR

- 11.9.1. The applicant has outlined their rationale in respect of EIA and refers to an Advisory Note issued by the Board to the applicant (under Ref. ABP-301874-18 – invalid planning application) which requested the applicant to consider if an Environmental Impact Assessment Report was required further to Part 2 of Article 95, Schedule 5 of the Planning and Development Regulations 2001, as amended. The applicant's consultant has stated that they consider that the proposal does not require a mandatory EIAR. They outline the rationale for same stating that the proposal does not include the construction of more than 500 dwellings, does not involve the construction of a car park providing more than 400 spaces, does not involve the construction of a shopping centre and the proposal, while intended to ultimately form part of an extended urban area, is not located in an urban area, is not located in a business district and is not located in a 'built up area'.
- 11.9.2. It is stated that the proposal is located 'elsewhere' for the purposes of 10(b)(iv) of Schedule 5, Part 2 of Article 93 and measures approximately 50% of the 20Ha size which would trigger mandatory EIAR. They reference the definition of 'built-up area' (Section 10(4)(c) Local Government Act 2001) with the site well removed from the Cobh Urban District Council Area. They continue by stating that the site is, by definition of the LAP and the policies and objectives of the planning authority, a designated undeveloped area and the subject application represents the first planning proposal to meet the development objectives for Phase One of the designated expansion area. They also note that the Opinion issued from the Board following the pre-application consultation request did not request an EIAR.

11.9.3. Therefore the applicant has stated that an EIAR is not mandatory for the development as proposed. However I would note that they have not addressed the matter of sub-threshold development given that the proposal is for a type of development listed in Part 2 of Schedule 5. Since the application was submitted in June, the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 have come into effect (1st September 2018). Under the new Regulations the Board is required to screen for EIAR and for sub-threshold development the applicant is required to address Schedule 7A of the Regulations. Given the timing of the application this has not been submitted. However having regard to the results of the screening determination I have undertaken as required which is on file, it is my view that the real likelihood of significant effects on the environment arise, given the large scale development proposed within an undeveloped rural area without adequate urban infrastructure including roads/footpaths/cyclepaths, therefore in my opinion, an EIAR would be required.

11.10. **Appropriate Assessment**

11.10.1. **Stage 1 Screening**

The subject site is not located within any Designated European site, however the following Natura 2000 sites are located within 15km of it:

Site Name & Code	Approx. Distance from Site
Cork Harbour SPA (site code 004030)	Nearest part of Natura site is c. 2/2.5
Great Island Channel SAC (site code 001058)	Nearest part of Natura site is c.2/2.5

A Screening Report and NIS, prepared by Limosa Environmental was submitted with the application within a document entitled Ecological Impact Assessment and provision of information for Appropriate Assessment Screening and Natura Impact Statement. While it is best practice to prepare a standalone Natura Impact Statement within which the Screening Stage is included and if required a separate standalone Ecological Impact Assessment, I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. I would note that a lot of the

information normally included within the screening element of such a report is included in Chapter 4 of the document, that being in particular, the identification of relevant Natura 2000 sites. However, the information contained within the overall report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.

Cork Harbour SPA (site code 004030)

The site synopsis for this site states that Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. It outlines that the SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. It outlines that the site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]

- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Lesser Black-backed Gull (*Larus fuscus*) [A183]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

The specific conservation objectives for this site seek to maintain the favourable conservation condition of each of the listed features.

Great Island Channel SAC (site code 001058)

As outlined in Site Synopsis for this site, the Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. Within this system, Great Island Channel forms the eastern stretch of the river basin and, compared to the rest of Cork Harbour, is relatively undisturbed. Within the site is the estuary of the Owennacurra and Dungourney Rivers. These rivers, which flow through Midleton, provide the main source of freshwater to the North Channel. The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive [1140] Tidal Mudflats and Sandflats

[1330] Atlantic Salt Meadows

It is stated that the site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. Shelduck is the most frequent duck species with 800-1,000 birds centred on the Fota/Marino Point area. There are also large flocks of Teal and Wigeon, especially at the eastern end. Waders occur in the greatest density north of Rosslare, with Dunlin, Godwit, Curlew and Golden Plover the commonest species. A population of about 80 Grey Plover is a notable feature of the area. All the mudflats support feeding birds; the main roost sites are at Weir Island and Brown Island, and to the north of Fota at Killacloyne and Harper's Island. Ahanesk supports a roost also but is subject to disturbance. The numbers of Grey Plover and Shelduck, as given above, are of national importance.

The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports. Overall, Cork Harbour regularly holds over 20,000 waterfowl and contains internationally important numbers of Black-tailed Godwit (1,181) and Redshank (1,896), along with nationally important numbers of nineteen other species. Furthermore, it contains large Dunlin (12,019) and Lapwing (12,528) flocks. All counts are average peaks, 1994/95 – 1996/97. Much of the site falls within Cork Harbour Special Protection Area, an important bird area designated under the E.U. Birds Directive.

It is noted that while the main land use within the site is aquaculture (oyster farming), the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments. The site is of major importance for the two habitats listed on Annex I of the E.U. Habitats Directive as outlined above, as well as for its important numbers of wintering waders and wildfowl. It also supports a good invertebrate fauna.

The site has specific conservation objectives as follows: to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, as defined and to restore the favourable conservation condition of Atlantic salt meadows (*Glauco- Puccinellietalia maritimae*) in Great Island Channel SAC as defined.

Potential Impacts

As noted in the AA screening section of the report, the potential impacts arise from the wastewater associated with the site and as a result of the stream/drainage ditch to the north of the site carrying surface waters into the local surface water drainage system which discharges to the Harbour. I would also note the comments from the Ecological Consultant included with the Ballyleary resident's observation which state that no winter bird surveys were carried out as part of the proposed development.

11.10.2. **Conclusion on Screening**

The Stage One screening conclusions note that without relevant mitigation measures then significant impacts on the aforementioned Natura 2000 sites cannot be discounted and in that regard it is recommended that the assessment proceed to Stage 2. Given the mitigation measures outlined and considered necessary I agree with the conclusions of the NIS that a Stage 2 AA is required. I also concur that the Stage 2 AA can be confined to these two sites.

- Great Island Channel SAC (site code 001058)
- Cork Harbour SPA (site code 004030)

11.10.3. **Stage 2 Appropriate Assessment**

As outlined in the screening undertaken above, this AA relates to the following sites:

- Great Island Channel SAC (site code 001058)
- Cork Harbour SPA (site code 004030)

The features of interest and conservation objectives are outlined above. The NIS notes that in the absence of appropriate mitigation measures that there was a risk of significant impacts as a result of the proposal project on the following conservation interests - Tidal Mudflats and Sandflats, Atlantic Salt Meadows and waterbird species listed in the Cork Harbour SPA.

In respect of the potential impacts of the proposal which are outlined above in relation to State 1 screening, the impacts have been assessed in the NIS in respect of the Construction Phase and the Operational Phase of the Proposal. I will address each in turn.

Firstly the construction phase, and the potential for containments from the site to enter the surface water pathway to the north of the site which ultimately discharges

into the Harbour. These related to uncontrolled run-off from the site and accidental spillage of fuels and oils. Mitigation is proposed by way of a surface water management plan as set out in the drawings and reports prepared by Walsh Design Group. It is proposed to employ measures such as settlement ponds and environmental controls at gullies and I note that the NIS outlines a suite of proposed measures to ensure that there is no contamination of surface water. It is also proposed that these measures inform the Construction Environmental Management Plan. These measures are also set out in the Civil Engineering Design Report in respect of surface water in respect of the measures proposed to protect surface waters from contamination.

In relation to the operational phase of the proposal, the potential impact also relates to uncontrolled surface water run-off. The NIS again includes extracts from the Civil Engineering Design Report in respect of surface water at operational phase and the measures proposed to protect surface waters from contamination. Given the mitigation measures proposed both during construction and operational phases and the distance of the site from the Natura 2000 site I do not consider that this potential impact would give rise to an adverse affect on the integrity of the relevant European Sites. The other potential operational impact relates to the treatment of wastewater from the proposal. The lack of capacity at the existing North Cobh WWTP is noted in the NIS but as outlined throughout this report, it is proposed that waste-water from the site is to be directed to the new Shanbally WWTP via the public sewer system, thereby there is no impact on the North Cobh WWTP. By way of mitigation, if the Board are minded to grant permission for the proposed development a condition should be attached requiring that no unit is occupied until the Shanbally WWTP is operational.

11.10.4. **Stage 2 Conclusion**

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites No. 001058 and No. 004030, in view of their Conservation Objectives.

12.0 Recommendation

Having regard to the assessment outlined in the preceding sections, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission is REFUSED for the development as proposed for the reasons and considerations set out below.

13.0 Reasons and Considerations

1. The subject site is located within the Ballynoe Urban Expansion Area as designated in the Cobh Municipal District Local Area Plan 2017. Notwithstanding the zoning of the site for residential development within this Plan or the proposed delivery of road widening along the site boundary or the provision of a section of a proposed new roadway, the development on these lands is dependent on the provision of specific strategic infrastructure and services as outlined in Table 3.2.3 of the Local Area Plan. The strategic infrastructure required is not proposed within this application nor are there any definitive advanced designs, approvals or timelines or an implementation plan in existence for the delivery of the transport infrastructure, connectivity and other facilities and services. Therefore, having regard to the uncertainty regarding the timing of such an Implementation Plan and any statutory approvals that may be required for same, the improvement works outlined in Table 3.2.3 of the Local Area Plan, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. Furthermore, it is considered that, if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of traffic hazard, including hazard to pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. In addition to the requirement for improved pedestrian and cycle connectivity outlined in the Cobh Municipal District Local Area Plan 2017, Section 4.10 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), together with Criteria No. 2 (Connections) in the accompanying Urban Design Manual, seeks to minimise the need for car journeys and encourage walking and cycling in the creation of well-connected communities. Having regard to

the uncertainty regarding the delivery of, and approvals which may be necessary to facilitate the road improvements and upgrades required to deliver the pedestrian/cycle infrastructure, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. Furthermore, it is considered that if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of a traffic hazard particularly to vulnerable road users given the absence of any footpaths in the wider vicinity of the site. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

3. Cobh is designated as a Metropolitan town in the County Metropolitan Strategic Planning Area. Furthermore, the Cobh Municipal District Local Area Plan 2017 includes a specific objective for the development of a new rail station at Ballynoe to include park and ride facilities (Objective CH-C-01). The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act. The site of the proposed development is on serviceable lands, within the development boundary of Cobh, in an area earmarked for residential development, subject to infrastructural improvements, with access to existing and planned public transport and proposals to improve same. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity and accessibility of the site to Cork City and to the established social and community services in the immediate vicinity. It is considered that the density proposed would be contrary to the aforementioned Ministerial Guidelines as it relates to Cities and Towns and in particular to sites serviced by existing and planned public transport. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government (2009), to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the development as proposed results in a poor design concept that is unimaginative and substandard in its form, scale and layout, fails to provide high quality usable open spaces and fails to facilitate adequate and appropriate natural surveillance of green spaces. In addition, the proposal fails to establish a sense of place and includes a poor quality of architectural design to the proposed units and blocks which would result in a substandard form of development lacking in variety and distinctiveness. Furthermore, the proposed layout and widths of roads and paths, poor internal and external connectivity would not give priority to the needs of pedestrians and other vulnerable road users, over that of vehicular traffic with the scheme dominated by roads, contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government in 2013. The proposed development, would therefore be contrary to the proper planning and sustainable development of the area.

Una Crosse
Senior Planning Inspector

September 2018