



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-302564-18**

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<b>Strategic Housing Development</b>	446 dwelling units, creche and all associated works.
<b>Location</b>	Castletreasure/Maryborough, Carr's Hill, Douglas, Co. Cork.
<b>Planning Authority</b>	Cork County Council
<b>Prospective Applicant</b>	Cairn Homes
<b>Date of Consultation Meeting</b>	25 <sup>th</sup> October 2018
<b>Date of Site Inspection</b>	17 <sup>th</sup> October 2018
<b>Inspector</b>	Joanna Kelly

## 1.0 Introduction

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

## 2.0 Site Location

- 2.1 The development site has a stated site area in the application form of 21.75ha and is located on zoned lands within the development boundary of the Ballincollig Carrigaline LAP 2017, approximately 2.5km south of Cork City centre, within the jurisdiction of Cork County Council. The site itself is extensive with a significant change in levels across the lands. There are mature trees and hedgerows that delineate existing field boundaries. Lands falls steeply towards the river valley which is located to the northern section of the site. There are two existing watercourses that traverse the lands. The Moneygurney river runs in an east-west direction and it is this watercourse that the proposed access will be bridged over. Levels falls steeply from the Carrigaline Road towards the valley. There is an existing hedgerow to the Carrigaline Road.
- 2.2 There are existing residential developments in close proximity to the site, the 'Vicarage' being the closest along the western boundary. The school application recently lodged with Cork County Council on lands immediately adjacent the proposed development site to the north-west has been granted permission. There is also a pitch and putt course in close proximity to this location, accessed from the Carrigaline Road. The Carr's Hill interchange (N28) is located approx. 1.5km south-east of the lands.

### 3.0 Description of proposed development

The applicant is proposing a residential development comprising of 446 dwelling units comprising of 259 houses and 187 apartments.

The unit mix is as follows:

Table 1: Unit Mix

<b>Housing Unit Type</b>	<b>No. of Units</b>
3 bed unit	186
4 bed unit	73
<b>Total housing units</b>	<b>259</b>
<b>Apartments</b>	
1 bed	59
2 bed	141
3 bed	31
<b>Total Apartments</b>	<b>187</b>

A creche facility is also proposed as part of the development.

### 4.0 Planning History

#### Adjoining Site

**File Ref. No. 18/5369** Application by the Minister for Education and Skills for the construction of a new educate together national school (RN20413N) consisting of part 2 storey, part 3 storey, 24 classroom primary school building including a new access road off the Carrigaline Road with set down area and total of 46 no. car parking spaces within the site. This permission was granted by the Council.

## 5.0 National and Local Planning Policy

### 5.1. National

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- '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'
- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities'
- 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment'

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

### 5.2. Local Policy

#### 5.2.1 Cork County Development Plan 2014-2020

The Cork County Development Plan 2014-2020 is the statutory development plan for the County. Chapter 2 of this plan refers to the Core Strategy for the County. The development lands are located within the Cork metropolitan area.

### 5.2.2 Ballincollig / Carrigaline Municipal District Local Area Plan 2017

The development lands are located within the development boundaries for Cork City South Environs with the majority of the site forming part of a block of lands zoned for Medium A density residential development, of a range between 20-50 units per ha.

There is a specific SE-R-06 zoning objective which provides:

Development of this site is to include the following:

Medium A density residential development to cater for a variety of house types and sizes.

3 ha of additional open space over and above what is normally required in housing areas. This open space should include a fully landscaped and useable public park.

Retain the existing trees and hedgerows within the overall development of the site.

A site for a primary school that could be accessed from the R609 and developed by the Department of Education in the short term.

The timing and provision of appropriate drinking water and waste water disposal services for the development including where necessary the upgrading off-site infrastructure.

Provision of a cycleway

Consideration will need to be given to the provision of a primary school within this site at the detailed planning application stage.

There is an objective SE-U-04 to provide a pedestrian walk through stream valley to Douglas Village.

## 5.0 **Forming of the Opinion**

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

### 5.1 **Documentation Submitted**

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

5.1.2 The information submitted included *inter alia*: a completed Application form and cover letter including inter alia, schedule of documents; Design Statement; Engineering Drawings; Statement of Consistency; Environmental Report; Archaeological Assessment; Letter of Consent Cork County Council; Shadow Study; Landscape details and masterplan.

5.1.3 I have reviewed and considered all of the documents and drawings submitted. Details submitted indicates that an EIAR is currently being prepared to fully assess the possible effects on the environment.

### 5.2 **Planning Authority Submission**

5.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Cork County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 11<sup>th</sup> October 2018.

5.2.2 The planning authority's opinion included the following matters:

- **Minutes of Section 247 Consultations** – Minutes are provided within the report.
- **Planning history** – Reference is made to the application for the primary school and nearby history in the locale.
- **Policy and Principle-** Site forms part of Ballincollig Carrigaline LAP and reference is made to the specific local objectives pertaining to the site. It is set out that the application for the school is under consideration and the landscape masterplan provides for a pedestrian walkway/greenway through the north-western section of the site. There is a designated TPO on a group of trees adjacent to the western site boundary.
- **Density and housing mix** – The net developable area is described as 13.65ha and would give rise to a density of 32.67 units per hectare. The Board may want to consider how the net developable area has been calculated having regard to the specific site constraints. The application will need to demonstrate how the housing mix complies with policy objective HOU 3-3 of the Cork development plan 2014-2020 and Criteria 4 of the Urban Design Manual 2009.
- **Urban Design and Layout** – For purposes of assessment of the revised layout the planning authority divided the site into 6 no. distinct areas providing a commentary on each which is briefly summarised as follows:
  - **Area 1** – at the western end of the site directly south of the Vicarage apartments – extremely steep section of site, query in relation to overshadowing analysis and corresponding details with respect to the existing 3-4 apartment blocks to the north, TPO on western site boundary, need to show extent of TPO and drip line of trees, extent of cut and fill proposed in this area.
  - **Area 2** – area of housing directly south of the boundary with the Vicarage- proposals for retention and protection of trees on the northern boundary with the Vicarage needed, very significant level difference over a short distance between rear boundaries of proposed main block of housing. Need to provide clarity on dividing wall proposals and treatment of same.

- **Area 3** – relatively level area adjacent to the southern site boundary – this part of the site equates to the top of the local hill. Need to clarify and adequately depict the boundary treatment of the northern and eastern perimeter of the build footprint area, no central useable open space provided or ‘relief’ area within the block of housing. Open space to north does not appear to be useable.
- **Area 4** – line of housing in the eastern section of the site – details required in relation to the proposed form of boundary treatment, further details needed with regard to the indicated turning area and irregular shaped hardcore area shown to the rear of the house plot gardens. Query regarding existing tree line which has not been shown and should be retained as per policy objective SE-R-06.
- **Area 5** – parcel of land to the east of the Vicarage development – need to consider the boundary form on the western side, section relative to the nearest dwelling to the west should be submitted, proposal for tree retention and protection needed. Query re potential impact on the existing tree line which should be retained as per the objective SE-R-06. The 75-space capacity creche appears deficient relative to the national guidelines.
- **Area 6** – area towards the front of the site adjacent to the Old Carrigaline Road – More sections at an appropriate scale needed relative to the public road and river showing all levels, query re relationship between the parking area and view from the front of the housing units, potential impact on trees from material deposition.
- **Public Open Space Areas** – Query over extent of useable open spaces. Need to depict steepness and levels of open space areas. 74 points required with the Recreation and Amenity Policy. Some of the referenced elements of points provision are not in line with facilities listed in the policy.
- **Access Arrangements and Connectivity** – The AE has highlighted the need for a Road Safety Audit and the Board may wish to clarify the indicated potential access point adjacent to the neighbouring apartment block. With regards parking, the Board may wish to consider the layout of



some of the parking spaces removed from housing and the potential for internal roadside parking within the development.

- **Surface water disposal, flood risk and site services** – A small section of the site is located within an area identified as being within at risk (i.e. Flood Zone A) namely lands adjacent to the stream passing through the upper section of the site and adjacent to the western site boundary. The Board may wish to consider a revised FRA incorporating an assessment of potential impacts on the current Douglas Flood Relief Scheme. Any new development proposal on site needs to maintain a buffer from the designated wayleaves on site.
- **Landscaping Issues** – It would appear that the removal of some existing trees is proposed which is not acceptable. The Board may wish to request the applicant to clearly clarify the position of all existing trees, trees to be removed and proposals for protection of trees.
- **EIAR** – Following scoping it was set out at the initial pre-planning meeting with the planning authority that EIAR is being considered.
- **Archaeology** – The Planning Authority's Archaeologist has advised of the possible presence of archaeological remains on site and medieval castle in close proximity to the site. It is recommended that an Archaeological assessment, geophysical survey and licensed archaeological testing be carried out to inform the final layout and design of the scheme.
- **AA and Ecology** – The Heritage Department has highlighted the presence of Yellowhammer in the area and need for water management measures and buffer zones in respect of the Tramore River which runs through the valley in the area. The Board may wish to consider if the proposal complies with Heritage Policy Objectives outlined in the County Development Plan 2014 such as policies HE 2-1, HE 2-2, HE 2-3, HE 2-4, HE 2-5, GI 3-2, WS 5-1, WS 5-2 and WS 5-3 and all that it complies with the CCC Guidance – Biodiversity and the planning process.
- **Part V** – Applicants have outlined a proposal for the provision of 44 no. on site units. In the event of a grant of permission applicants will be required to submit a formal proposal for agreement with the planning authority prior to commencement of development.

- **Conclusion and Issues ABP may wish to consider** – A summary of the issues that ABP may wish to consider are provided in the conclusion.

#### **5.4 Submission from Irish Water**

A submission was received from Irish Water and is available on file. In summary, the submission states that a Confirmation of Feasibility for this development issued confirms that the Project Works Service Agreement was enacted and the surveys showed that the existing network has the capacity to cater for this development. IW confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

#### **5.4 Submission from Development Applications Unit**

The site is located within a wider archaeological landscape comprising of ringforts/souterrains, fulacht fia and medieval monuments all of which are subject to statutory protection in the Record of Monuments and Places. The Department concurs with the detailed Archaeological Mitigation Strategy outlined in Section 4, page 8 of the CHCR. This strategy is to be carried out in advance of works commencing on site and the subsequent report is to be submitted to this office prior to commencement of any groundworks as this will inform any subsequent archaeological mitigation.

#### **Consultation Meeting**

- 6.1 A Section 5 Consultation meeting took place at the offices of Cork County Council on 25<sup>th</sup> October 2018, commencing at 11.30 am. Representatives of the prospective applicant, Cork County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Specific Local Objectives pertaining to the site namely SE-R-06 and SE-U-04.
2. Green Infrastructure to include retention and protection of existing trees, landscaping and hierarchy and function of public open spaces, biodiversity and movement corridors, SUDS and archaeological constraints.
3. Development Standards to include density, layout, unit typology and mix, urban design.
4. Visual Impact Assessment
5. Connectivity and Movement to include DMURS and consideration of impacts on the local and wider road network.
6. Flood Risk
7. Any other matters

6.3 In relation to, specific local objectives pertaining to the site, ABP representatives sought further discussion/elaboration on these in particular SE-R-06 and how the proposed development is consistent with the provisions of this policy objective.

6.4 In relation to Green Infrastructure to include retention and protection of existing trees, landscaping and hierarchy and function of public open spaces, biodiversity and movement corridors, SUDS and archaeological constraints, ABP representatives sought further discussion/elaboration on each of these components and also the inter-connectivity of each component on the proposed development.

6.5 In relation to Development Standards to include density, layout, unit typology, mix and urban design, ABP representatives sought further discussion/elaboration on the guiding principles in the Cork County development plan, and the standards set out in national guidelines with specific regards to the proposed density, layout and design response including use of qualitative materials and boundary treatments particularly at the interface with public open space areas.

- 6.6 In relation to Connectivity and Movement to include DMURS and consideration of impacts on the local and wider road network, ABP representatives sought further discussion/elaboration on the creation of connections to adjoining lands in particular to the west and south, the design approach to the urbanisation of the Carrigaline Road, whether a special development contribution would apply and the creation of attractive streets.
- 6.7 In relation to Flood Risk, ABP representatives sought further elaboration/discussion on the issue of greenfield run-off rates, risk of displaced waters/increased discharge to the Ballybrack river which may result in a flood risk downstream, flood zone A lands within the site and flood risk in the context of the approved Douglas Flood relief scheme.
- 6.8 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on Part V agreement, submission of CGIs and long cross sections with application, public lighting proposals having regard to ecological sensitive areas, the screening report in relation to Appropriate Assessment. It was also suggested that there should be consistency between all documents/information submitted with any application.
- 6.9 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-302564-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **7.0 Conclusion and Recommendation**

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies

Act 2016 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.

- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## **8.0 Recommended Opinion**

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

amendment in order to constitute a reasonable basis for an application under section 4.

- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion, that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Green Infrastructure

Further consideration and/or justification of the documents as they relate to the consideration of Green Infrastructure and the specific objective SE-R-06 which seeks the retention of all existing trees and hedgerows within the overall development of the site and the Tree Protection Order pertaining to trees along the western boundary.

Further consideration should also be given to the proposed landscaping plan and the hierarchy, function and usability of public open spaces including the use/linking of green corridors throughout the scheme. All proposed SUDs features should be clearly identified on a site layout plan with proposals as to how the features will enhance/contribute to a sense of place. Computer Generated Images and long cross-sections should be submitted to show changes in levels and inter alia, the interface of boundary treatments and SUDs to public open spaces/streetscape.

Consideration should also be given to the existing biodiversity value of the site and retention of movement corridors through the proposed scheme for wildlife and any potential impact on same arising from proposed lighting scheme. Further

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

2. Movement and Transportation

Further consideration and/or justification of the documents as they relate to vehicular, cycle and pedestrian connections including legibility and permeability through the development site to contiguous residential lands, the school site and the provision of possible future connections to lands to the south from the development site.

Further consideration should be given to how the proposed street hierarchy and access arrangements from the Carrigaline Road are consistent with the principles of the Design Manual for Urban Roads and Streets. Consideration should also be given to public transport routes proposed to serve the development lands. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

3. Urban Design Response, Density, and Layout

Further consideration and/or justification of the documents as they relate to the rationale of the proposed residential layout and urban design response with particular regard to the creation of distinct neighbourhood areas within the overall site, the creation of active and aesthetically pleasing urban street frontages having particular regard to the site context and significant difference in levels across the site, and how the proposed elevational treatments respond to the site context to ensure a qualitative design response with optimal passive surveillance of public and private open spaces throughout the scheme.

In addition, further consideration should also be given to the proposed density having regard to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009.

Further elaboration including illustrations of how the site analysis/context informed the proposed layout and urban design response would be useful. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

#### 4. Surface water management and Risk of Flooding

Further consideration of documents as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream towards Douglas Village. This further consideration should have regard to the requirements of the Council in respect of surface water treatment and disposal and SUDS measures proposed for the scheme. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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

1. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal if proposed. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments



should be submitted. Sections should be submitted at key locations where the public open spaces interface with proposed residential units.

2. A site layout plan which clearly illustrates the overall movement and transportation hierarchy for the proposed scheme. Proposed connections to existing greenways should be clearly indicated with relevant letters of consent from third parties if required.
3. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous residential developments, the river valley and the R609 Carrigaline Road.
4. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any 'cut and fill' proposals should be provided.
5. All existing watercourses and utilities that traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
6. Details in respect of the proposed residential units including a schedule of Accommodation and Quality Assessment Report which has regard to Specific Planning Policy Requirements set out in the Sustainable Urban Housing: Design Standards for Apartment Guidelines, Guidelines for Planning Authorities as they pertain to the proposed development. A Building Life Cycle Report in respect of the proposed apartments.
7. A report identifying the demand for school and creche places likely to be generated by the proposal and the capacity of existing schools and crèches in the vicinity to cater for such demand.

8. A construction and demolition waste management plan.
9. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
10. A site layout plan indicating all areas to be taken in charge.
11. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.

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

1. Inland Fisheries Ireland
2. Irish Water
3. Transport Infrastructure Ireland
4. Córas Iompair Éireann
5. Minister for Culture, Heritage, and the Gaeltacht
6. Heritage Council
7. An Taisce – the National trust for Ireland
8. Cork County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Joanna Kelly

Senior Planning Inspector

7<sup>th</sup> November 2018