



An  
Bord  
Pleanála

## Inspector's Report ABP-302594-18

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<b>Development</b>	The construction of 74 no. residential units with all associated site development works and a new access from the R579.
<b>Location</b>	Site in Dromin, Cloghroe, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/4947
<b>Applicant(s)</b>	Paul Coburn & Kevin McDonnell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant, subject to conditions
<b>Type of Appeal</b>	Third party -v- Decision
<b>Appellant(s)</b>	Senandale Residents Association
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	14 <sup>th</sup> December 2018
<b>Inspector</b>	Hugh D. Morrison

# Contents

1.0 Site Location and Description .....	3
2.0 Proposed Development .....	3
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations .....	5
6.0 The Appeal .....	5
6.1. Grounds of Appeal .....	5
6.2. Applicant Response .....	6
6.3. Planning Authority Response .....	8
6.4. Observations .....	8
6.5. Further Responses.....	8
7.0 Assessment.....	8
8.0 Conclusion.....	21
9.0 Recommendation.....	22
10.0 Reasons and Considerations .....	22

## 1.0 Site Location and Description

- 1.1. The site is located to the north west of the junction between the R579 (Ballincollig to Kanturk) and the R617 (Cloghroe to Blarney) at Cloghroe. This site is 3.9 km to the north west of Ballincollig and 3.9 km to the west of Blarney. It lies on the western side of the village of Cloghroe. The village centre is adjacent to the aforementioned junction and it comprises a parade of shops and a church with a National School to the south east. The village is composed of three existing small housing estates: Woodlands and Fairways on the eastern side of the R617 and Senandale on the western side. This latter housing estate adjoins the site along its rear western boundary. The Owennagearagh River flows on the southern side of the R579. Existing access to the site is off the northern side of this regional road.
- 1.2. The site is composed of three fields. The first of these, to the south east, is subject to gentle gradients, which rise in a north westerly direction, the second, to the north east, is subject to gentle/moderate gradients, which rise in a westerly direction, and the third, to the north west, is subject to moderate gradients, which rise in a northern/north western direction. The site thus rises progressively over the first, second, and third fields.
- 1.3. The site is of irregular shape and it extends over an area of 5.81 hectares. A stream flows partly along the inside and partly along the outside of its eastern boundary into the aforementioned River beyond the site. The lowest lying portions of the site abut its frontage with the regional road. To its east on the far side of the said stream lies Senandale, while to the south west lie three dwelling houses and their attendant outbuildings. The first of these is accompanied by a house plot to the rear, which the site adjoins on three of its four sides. Tree lined hedgerows or vegetated mounds denote the majority of the site's boundaries. A solid timber fence denotes the adjacent rear boundaries to residential properties in Senandale.

## 2.0 Proposed Development

- 2.1. The proposal would entail the construction of 74 no. residential units (7755 sqm), which would comprise the following:
  - 5 no. detached 5-bed dwellings,

- 16 no. detached 4-bed dwellings,
- 50 no. semi-detached 3-bed dwellings of varying designs, and
- 3 no. terraced 3-bed dwellings.

2.2. The proposed dwelling houses would be sited in the second and third of the fields described above. The proposed entrance to the site would be sited just to the west of the existing agricultural access. The on-site access road would pass through the first of the fields to serve the proposed dwelling houses beyond. This field and land over the southern and eastern portions of the second field would be laid out as public open space and existing vegetation along the site boundaries and along the majority of the internal field divisions would be retained and augmented.

2.3. Associated site development works would include the culverting of an existing stream, foul and storm drainage with attenuation and flood mitigation.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following receipt of further information, permission granted, subject to 45 conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Further information was requested with respect to the layout of open space, numbering of house plots, landscaping, compliance with the Planning Authority's Recreation and Amenity Policy, sightlines, junctions between proposed and existing footpaths, dimensions of car spaces, more details concerning the proposed entrance and boundary treatments, and public lighting.

##### **3.2.2. Other Technical Reports:**

- IFI: Condition requested.
- IW: No objection, standard notes.
- Public Lighting: Following receipt of further information, one point of clarification of this information requested.

- Housing Engineer: No objection.
- Estates: Following receipt of further information, no objection, subject to conditions.
- Environment: No objection, subject to conditions.
- Engineer: Following receipt of further information, no objection, subject to conditions.

## 4.0 Planning History

Pre-application consultations 18<sup>th</sup> July and 13<sup>th</sup> December 2017

## 5.0 Policy Context

### 5.1. Development Plan

The Blarney Macroom Municipal District Local Area Plan 2017 (LAP) identifies Tower as a key village and it shows the site as lying within the settlement boundary. Under Objective No. DB-01 the following is stated “Within the development boundary encourage the development of up to 182 additional dwelling units during the plan period.” The southern portion of the site is also shown as lying within Zones A and B for the purpose of flood risk susceptibility.

### 5.2. Natural Heritage Designations

Cork Harbour SPA (site code 004030)

Great Island Channel SAC (site code 001058)

Great Island Channel pNHA (site code 001058)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- Attention is drawn to the traffic that would be generated by the proposal (cf. 172 car parking spaces) and to existing traffic conditions on the R579. Unlike

the comparable case of application 17/07383, no traffic assessment and no RSA were undertaken and so there is no empirical evidence against which to weigh the appropriateness of the proposed road safety mitigation measures. No opportunity would exist to provide a right hand turning hatched box.

Attention is also drawn to the lack of cycle facilities and the sub-standard footpath along the R579. Furthermore, the nearest bus stops are at some remove from the site and so car use would be encouraged.

The centreline to the R579 as it passes the site is a continuous white one and the western sightline would be obstructed by a hedgerow outside the applicant's control on the southern side of the regional road.

- The appellant identifies an alternative means of access to the site, which would be DMURS compliant and which would avoid the Flood Zone A discussed below.

The submitted Flood Risk Assessment (FRA) falls short insofar as it does not demonstrate how no increased flood risk would occur at adjoining properties to the developed site. Methodological concerns are raised with respect to the applicant's modelling. Attention is drawn to the presence of the proposed access point within Flood Zone A and yet the sequential test has not been applied and no emergency plan has been prepared.

- Attention is drawn to the scale of the proposal and the visibility of the site. Under Table 4.1 of the LAP, 40 units is regarded as the cap on the number of dwellings in new housing schemes. The proposal would exceed this cap and it would exceed the number of dwelling houses in the adjacent Senandale housing estate. Attention is also drawn to the downsizing that occurred under 17/6005 and PL04.249396.

## 6.2. Applicant Response

The applicants set out the following contexts of relevance to their proposal: strategic planning policy, the urgent need for high quality residential accommodation, addressing unchecked rural housing in the open countryside, AA, connectivity, and inclusivity and variety.

They respond to the appellant's grounds of appeal as follows

- The 10 conditions from the Planning Authority's draft permission, which have a bearing on road safety, are cited and, under Appendix 3, a site plan showing compliance with the same is submitted.

The applicant has submitted a TIA, which concludes that the adjacent junction between the R579 and the R617 would not be significantly affected by traffic generated by the proposal, i.e. additional traffic movements would be well below the threshold of 5% during the am and pm peaks. Likewise, the RFC of this and other junctions within the locality would be well below the key threshold of 85% for as far ahead as 2035.

The applicant has also submitted a Stage 1 RSA, which raises no significant issues. The ones that are raised would be addressed by the applicant.

- The site is within Tower and it is fully serviced. The proposal would have a net density of 16.4 dwellings per hectare. Under the Sustainable Residential Development in Urban Areas Guidelines, net densities of 20 – 35 dwellings per hectare are normally sought for new housing sites in villages, although, under Section 6.12, net densities of 15 – 20 dwellings per hectare can be considered. Under the CDP, the site is regarded as a medium density one and so net densities of 12 – 25 dwellings per hectare are considered to be appropriate.

The applicant has set out in a table the gross densities of existing housing sites in Tower. Such densities range from 3.6 to 20 dwellings per hectare and so the proposal, at 12.7, would be mid-range.

Attention is drawn to the lower and higher densities that would pertain, under the proposal, across the site.

Attention is also drawn to instances in which the recommended LAP scale of development has been exceeded, e.g. ABP-301197-18. Warrant for the same is given by the following note: "Individual schemes in excess of the recommended scale...may be considered where it is demonstrated that the overall scheme layout reinforces the existing character of the village and the

scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement.”

- The applicant has submitted an Addendum to the FRA, with the following objectives:
  - Check and confirm the results of the FRA,
  - Address any further issues, and
  - Establish the scale of defence works which would be required.

This Addendum concludes that, on the basis of an updated hydrological model, predictions are in line with those previously made and the proposal would not give rise to increased flood risk at any nearby properties. Flood defence works are delineated, although minor maintenance to existing roadside banks would in itself improve the flooding situation in the general area.

### **6.3. Planning Authority Response**

None

### **6.4. Observations**

None

### **6.5. Further Responses**

None

## **7.0 Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Density,



- (iii) Amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Water,
- (vii) Preliminary examination – EIA, and
- (viii) Screening – AA.

**(i) Land use**

- 7.2. The LAP includes Cloghroe within its presentation of Tower, which is identified as a key village. The subject site lies within the settlement boundary. It is one of a number of sites within this boundary, which could be developed for housing. The LAP states that these sites would afford an opportunity for 182 dwellings to be provided over the life time of this Plan. It also states that, as of Q1 2015, extant permission exists for 120 dwellings, leaving headroom for 62 dwellings.
- 7.3. The LAP explains that the figure of 182 dwellings is neither a target to be reached nor an absolute maximum limit but rather an indication of the number of dwellings that could reasonably be accommodated within a settlement over the life time of the Plan. Table 2.3 indicates that, in Tower, Irish Water services are in place “with broadly adequate existing water services capacity.” The current proposal is for 74 dwellings and so it would exceed the aforementioned headroom figure of 62, by 12 dwellings.
- 7.4. The Planning Authority has not clarified whether the extant permission cited above has been implemented or whether it has lapsed or indeed whether it remains extant. Perhaps, more pertinently, Irish Water has raised no objection to this proposal and so from its perspective the main potential factor that could affect the question of dwelling numbers, that of water supply and foul drainage, is not an issue.
- 7.5. The appellant draws attention to Table 4.1 of the LAP, which states that 40 dwellings would normally be the recommended scale of any individual scheme in Tower. A note, which accompanies this Table states the following:

*Individual schemes in excess of the recommended scale set out in the above table may be considered where it is demonstrated that the overall scheme layout reinforces*

*the existing character of the village and the scheme is laid out, phased and delivered, so as not to reflect a residential housing estate more suited to a larger settlement.*

- 7.6. The appellant also draws attention to the case 17/6005 and PL04.249396 which is cited as an example of a scheme that was downsized. However, the downsizing that took place at the local level was not replicated by the Board's decision, which was for an outright refusal.
- 7.7. The applicants have responded by citing ABP-301197-18 as a recent example of housing development in a key village, i.e. Glounthaune, that exceeded the scale envisaged by the LAP. In this case, 174 dwellings were permitted in a situation wherein an additional 400 dwellings were earmarked for the village as a whole and each housing site was to be capped at 40 dwellings. The justification for permission related to compliance with the above cited note and the proximity of a railway station and a proposal to provide a pedestrian/cycle link between the site and this station.
- 7.8. I conclude that in principle there is no objection to the development of the site for housing, but that the appropriateness of the scale of the proposal will need to be revisited in the light of my assessment of density and amenity.

#### **(ii) Density**

- 7.9. The proposal is for 74 dwellings on a site with an area of 5.81 hectares. Thus, its gross density would be 12.74 dwellings per hectare. Appendix A of the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines advises on the calculation of net residential density. Thus, the area of open spaces serving a wider area and significant landscape buffer strips, amongst other things, can be omitted from the calculation of site area. The proposal would entail such spaces and strips within its southern and eastern portions. Accordingly, the applicant calculates that it would have a net density of 16.4 dwellings per hectare.
- 7.10. In Chapter 6 of the SRDUA Guidelines, advice is given on appropriate net densities for centrally located, edge of centre, and edge of small town/village sites. The LAP's plan of Tower does not identify its centre. The subject site lies to the west of a small housing estate, Senandale, which adjoins the functioning neighbourhood centre of Cloghroe. In these circumstances, I consider that it is an edge of village site and so the net densities of 15 – 20 dwellings per hectare can be acceded to, as long as

such lower density does not represent more than about 20% of the total new planned housing stock of the village.

- 7.11. The LAP envisages an addition of 182 dwellings for Tower over its life time. The current proposal is for 74 dwellings, a figure that would be double the aforementioned threshold of 20% or 37 dwellings.
- 7.12. The applicants draw attention to Objective HOU 4-1 and the accompanying Table 3.1 of the CDP. Under these provisions, if Tower is regarded as a “smaller town”, then Medium “B” net densities of between 12 and 25 dwellings per hectare would be appropriate. At 16.4 dwellings per hectare, the proposal would come within this range.
- 7.13. The applicants also draw attention to the gross densities of existing housing estates in Tower. Their proposal would lie at the mid-point of the range of 3.6 to 20 dwellings per hectare thereby identified.
- 7.14. Furthermore, the applicants refer to the higher and lower densities that would occur within the site as a result of the grouping of smaller semi-detached dwelling houses in the north eastern field and larger detached dwelling houses in the north western field.
- 7.15. I note that the SRDUA Guidelines and the CDP are not fully at one on the question of density. However, the proposal would comply nominally with both and, if weight is given to the applicant’s disaggregation, the majority of the proposed dwelling houses would be at the higher density and so the infringement of the 20% threshold would be allayed.
- 7.16. I conclude that the density of the proposal would be appropriate.

**(iii) Amenity**

- 7.17. The site is composed of three fields, which lie to the south east, north east, and north west. Topographically, the first field is relatively flat while the second two rise consecutively through gentle/moderate gradients in general a westerly and north westerly/northerly directions. A stream flows along the eastern boundary and each of the site boundaries and the internal field divisions within the site are denoted by means of mature hedgerows and trees.

- 7.18. Under the proposal, the first field and the southern and eastern portions of the second field would be laid out to provide open space, which would entail the retention of an existing buffer strip of hedges and trees along the eastern boundary of the site. The higher density housing would then be sited in the remainder of this field and the lower density housing would be sited in the third field.
- 7.19. The visibility of the proposed dwelling houses would be limited from the R579 to the south of the site and the housing estate Senandale to the east, as this regional road and estate would adjoin the first field and roadside hedges and trees, the aforementioned buffer strip, and the retention of part of the internal division between the first and second fields would all serve to screen them. Public views from the north of Kiely's Lane would, likewise, be limited by vegetation and the fact that any profile of the developed site would be seen in the middle distance.
- 7.20. The submitted site layout plans show the retention of the hedgerow between the second and third fields. This hedgerow runs on a north/south axis. Under the proposal, the change in levels on either side would become more pronounced towards its northern end. The submitted sections illustrate the cut and fill exercises that would be undertaken as a prelude to the siting of the proposed dwelling houses. Section A-A on drawing no. 17232-PLA-002A shows the step change in levels that would occur between plot 74 and plots 07 and 08. The envisaged separation distance between the dwelling houses on the former and latter plots would be c. 22m and yet their finished floor levels would be 41m and 34.25m, respectively.
- 7.21. In the light of the foregoing paragraph, I consider that the likelihood of the said hedgerow's retention would diminish in a northerly direction. Accordingly, insofar as it is capable of being retained, it would serve to partially screen the two housing areas from one another, thereby reducing the perceived sense of scale attendant upon the overall development. However, where the hedgerow is likely to be removed/undermined by retaining measures, its screening properties would be lost.
- 7.22. The relationship depicted by the aforementioned Section is thus likely to be starker than that suggested. Furthermore, this Section appears to stretch the separation distance between corresponding dwelling houses by 3m. Accordingly, I am concerned that the higher dwelling house would unduly dominate the lower one and, by extension, the dwelling houses on either side of this lower one. The scope to

relieve such domination without inadvertently prejudicing the amenities of these dwelling houses appears to be limited. I, therefore, consider that the dwelling house on plot 74 should be omitted and the land thus released graded in a manner that would reduce the height of retaining measures at the foot of the rear gardens to plots 07, 08, and 09. The regraded land should be incorporated within the adjoining open space denoted as E and planted with replacement hedging. These matters could be conditioned.

- 7.23. The proposal would comprise 7 different house types of which 2 would be detached four and five bed roomed ones and 5 would be semi-detached three bed roomed ones. (One house type would also form a terrace of 3 three bed roomed dwelling houses). These house types would exhibit a variety of sizes and designs. Commonalities would arise through the consistent use of front gabled forms and the specification of the same finishing materials throughout. Stone clad boundary walls would feature along publicly visible boundaries and a range of materials would be used to provide hard surfaces.
- 7.24. Elsewhere in Cloghroe there are examples of small housing estates from recent decades. The proposal would represent a continuation of this pattern by means of an aesthetically pleasing contribution that would reflect traditional and contemporary influences.
- 7.25. Beyond the visual impact of the proposal, the proximity of an existing agricultural building to the north westernmost corner of the site would affect the amenities of proposed dwelling houses within its vicinity. This building appears to be one that houses livestock and/or fodder for livestock. Under the proposal, it would lie between c. 24m and c. 30m from the said corner of the site. The nearest dwelling houses would be on plots 67 and 68. While a vegetated mound lies between the former plot and the agricultural building and an area of bushes lies between the latter and this building, I consider that the sheer proximity of it to these dwelling houses would militate against the establishment of a satisfactory standard of amenity at the same. In these circumstances, I consider that the dwelling houses on these plots should be omitted and the land released thereby should be mass tree planted to ensure that a buffer is established between the agricultural building and the remainder of the proposed housing development. The turning head between these two plots should

be set back further into the site so that the said tree planting can be continuous. This matter could be conditioned.

7.26. I conclude that the proposal would be compatible with the visual amenities of the area. I conclude, too, that it would be compatible with the visual and residential amenities of the proposed dwelling houses, provided the dwelling houses on plots 74, 67, and 68 are omitted.

**(iv) Development standards**

7.27. As referred to above under the third heading of my assessment, the proposal would comprise a range of house types, sizes, and designs. I, therefore, consider that it would achieve a good housing mix.

7.28. Each of the proposed house types would provide accommodation that would either meet or exceed the recommended space provision and room sizes set out in Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines. Each dwelling house would be accompanied by sufficient private open space.

7.29. The CDP's Objective SC 5-5 refers to the Planning Authority's Recreation and Amenity Policy. Under further information the applicant addressed this Policy. Thus, the requirement that 12 – 18% of the area of the site be laid out as POS would be met insofar as 15.25% of the area of this site would be thus laid out. Furthermore, under the Policy, a points scheme is pursued whereby 1 point is attracted by every 6 dwelling houses. Thus, in the current case, the proposed 74 dwelling houses would attract 12 points. As 1 neighbourhood play area (1 point) and 2 local play areas (2 x 3 points) would be provided, 7 of the 12 points would be capable of being met on site. This level of provision would be in excess of the 30% threshold set in this respect and so it would be acceptable. These play areas would be set within the POS.

7.30. The applicant refers to two recent comparable cases (18/4551 & ABP-302209-18 and 17/7253), wherein the Planning Authority accepted a similar level of provision to that currently proposed.

7.31. I conclude that the proposal would meet relevant development standards.

#### **(v) Traffic, access, and parking**

- 7.32. The proposal would entail the construction of 74 dwelling houses. Traffic generated by these dwelling houses would use the R579, which passes the southern boundary of the site. An access from/egress to this regional road would be constructed in the vicinity of an existing agricultural gateway. This access/egress would serve an on-site access road, which would connect with 4 cul-de-sacs that would be laid out as home zones.
- 7.33. The appellant expresses concern that the application is accompanied by neither a Traffic and Transportation Assessment (TTA) nor a RSA. It also expresses concern that the proposed access would not be accompanied by a RHT hatched box, the footpath to Cloghroe neighbourhood centre would be of sub-standard width and local bus services would not pass the site.
- 7.34. At the appeal stage, the applicant has submitted a TTA and a Stage 1 RSA.
- The former assesses the projected capacity of the proposed access for the base and opening years and 15 years thereafter, i.e. 2018, 2020, and 2035. The am and pm peaks were examined, and it is estimated that at the busiest period, i.e. am peak in 2035, an RFC of only 0.18 would occur. This figure would indicate that, in practise, minimal queuing would arise and so the need for a RHT hatched box would not arise.
  - The latter identifies four potential problems and corresponding solutions, three of which the applicant undertakes to carry out. The remaining one would require the Roads Authority to prevent vegetation from overgrowing the said footpath and to introduce traffic calming measures at the junction between the R579 and the R617.
- 7.35. Local bus services link Cloghroe neighbourhood centre to Cork City.
- 7.36. The applicant has responded to conditions 18, 33, and 41 attached to the draft permission. The first of these conditions refers to the on-site road network, the second refers to sightlines at the proposed egress, and the third refers to radar driver feedback signs that would be sited on the R579 (60 kmph speed zone) on the eastern and western approaches to the proposed access. The applicant has submitted plans with respect to these matters. In particular, the availability of

sightlines with a x dimension of 3m and y dimensions of 50, 60, 70, 80, 90, 100, 110, and 120m is illustrated. The presence of a public footpath on the nearside of the regional road and the fact that the bend in this road to the west curves away to the south rather than to the north enable the requisite visibility splays to be illustrated without encroachment upon the properties of third parties. By the same token, this curvature would militate against the full 120m being available to drivers seeking to turn right into the proposed access. I estimate that this distance would contract to c. 105m. By way of mitigation, the road is subject to an existing continuous white centre line and a proposed intumescent “slow” road marking and radar driver feedback sign on the western approach to the proposed access would serve to alert drivers to the need to reduce speed. Such mitigation should be augmented by the addition of street lights to the west of the proposed access, i.e. as far as the proposed intumescent “slow” road marking. This matter could be conditioned.

- 7.37. The existing public footpath between the proposed access and the junction between the R579 and the R617, which is adjacent to the neighbourhood centre in Cloghroe, is narrow. Its usage and the safety of such usage would be capable of being promoted if street lighting were to accompany this public footpath. This matter, too, could be conditioned.
- 7.38. The on-site road network would incorporate traffic calming measures and public footpath links that anticipate likely desire lines. Each dwelling house would be accompanied by the requisite 2 off-street car parking spaces and, in addition, pairs of visitor parking spaces totalling 24 would be distribute around the estate.
- 7.39. I conclude that the traffic that would be likely to be generated by the proposal would be capable of being accommodated on the R579 and that the proposed access with this regional road would be capable of being operated satisfactorily, subject to additional street lighting. This access would be served by the requisite sightlines and on-site parking provision would be adequate.

#### **(vi) Water**

- 7.40. The proposal would be served by the public mains water supply and the public sewerage system. Irish Water has raised no objection and so there appears to be no capacity issues with either the water supply or the sewerage system in the locality of the site.



- 7.41. The proposal would also be served by a surface water drainage system, which would discharge to the stream that passes along the eastern boundary to the site. The discharge point would be in the south eastern corner of the site, immediately adjacent to the culvert through which the stream passes under the R579. The proposed surface water drainage system would incorporate a storm water attenuation tank with capacity to handle a 1 in 100-year storm event. This tank would be accompanied by a petrol/silt interceptor and its outlet would restrict the discharge of water to 19.90 litres per second, which equates to 3.43 litres per second per hectare.
- 7.42. The proposed surface water drainage system would be capable of being enhanced by the incorporation of SuDS methodologies, such as permeable car parking spaces and soakaways. These could be conditioned.
- 7.43. The LAP shows the southernmost portion of the site, including the proposed access from the R579, as lying within Zones A and B for flooding purposes. It acknowledges that recorded flood events have occurred at the junction of the R579 and the R617 to the east of the said access. Fluvial flooding from the Owennagearagh River has led to these events. This plan states the following:
- Any development on lands to the south west of the village will require the preparation of a comprehensive flood risk assessment of those lands and their environs showing clearly that any development will not give rise to flood risk to adjoining properties and include proposals to address existing flooding issues in the area.*
- 7.44. The applicant has submitted a Flood Risk Assessment (FRA). This Assessment was critiqued by the appellant at the application stage and the applicant interacted with this critique under unsolicited further information. An addendum to the FRA was submitted by the applicant at the appeal stage.
- 7.45. The proposal is for 74 dwelling houses. While these dwelling houses would be sited on the more elevated portions of the site that are not the subject of fluvial flood risk, as the proposed access to the site and the initial portion of the proposed on-site access road would pass through portions that are so subject, the need arises to run the Justification Test that is set out under Box 5.1 of the Planning System and Flood Risk Management Guidelines.

7.46. Item 1 of the Test refers to the zoning of the site. Under the first heading of my assessment I conclude that there is no in principle objection to the proposal on land use grounds.

7.47. Item 2(i) refers to the need to ensure that flood risk is not increased elsewhere and to, where practicable, reduce overall flood risk.

- Under the applicant's FRA, it is acknowledged that the proposed access and the on-site access road would reduce the area of the site, which functions as a flood plain, (cf. Figure 1.8 of the FRA) by "possibly up to 400 cubic metres". However, the area of the site to the east of this road would be lowered to afford equivalent compensatory space and an additional 600 cubic metres of space, too, and it would be linked to the area to the west by means of a culvert (cf. Figure 1.9 of the FRA).
- The lowering of the said area would be undertaken in conjunction with the provision of a 3m wide shallow (less than 0.5m) channel, which would serve as an overflow, during storm events, to the stream that passes along the eastern boundary of the site. This overflow would relieve pressure on the existing stream, which is not the subject of any systematic maintenance programme and which passes through several culverts to the rear of Senandale.

These two measures would ensure that there is no increase in flood risk, but rather a reduction in the same, predominantly on the site itself.

7.48. Item 2(ii) refers to the need to minimise flood risk. The FRA models three scenarios, i.e. the existing situation affecting the R579 (road level 23.9m OD), a situation wherein a replacement culvert under the R579 is constructed for the aforementioned stream, and a situation wherein the said culvert is constructed in conjunction with flood defences to either side of the R579. The FRA recognises that, under 1 in 100-year flood events or greater, both the said stream and the adjacent Owennagearagh River overflow onto the R579 and so, in these circumstances, the construction of a replacement culvert, would not appreciably improve the situation. However, if this culvert were to be constructed in conjunction with flood defences on either side of the R579, then the flooding of this regional road would be capable of being overcome.

- 7.49. The applicant notes that an existing mound on the southern and opposite side of the R579 from the site forms a partial defence at present. During my site visit, I observed that this mound is breached in places, presumably to facilitate surface water run-off from the road. Its value as a flood defence is thereby undermined. Accordingly, any resolution of the flooding issue would need to be undertaken in conjunction with compatible surface water run-off drainage arrangements for the regional road.
- 7.50. The applicant also notes that the said culvert and flood defence works lie outside the site and they would depend for their implementation upon public bodies. The appellant's indicated at the application stage that timelines for such implementation are not known. Thus, the opportunity to minimise flood risk lies outside the applicant's control.
- 7.51. Item 2(iii) refers to residual flood risk and its management. The applicant acknowledges that the R579 is the subject of 1 in 100-year storm event flood risk at points to the east and to the west of the proposed access. Accordingly, during such events, access/egress to the site may become impassable, although the applicant anticipates that there is a greater likelihood of access from the east being unavailable than access from the west.
- 7.52. The applicant undertakes to prepare an emergency plan. The appellant expresses concern that this plan has not been submitted at the application/appeal stage. It also draws attention to an alternative means of access that may be available through lands to the north of Senandale. This access would be off the R614 (50 kmph zone) and at a point clear of any fluvial flood risk.
- 7.53. I note from the submitted landscape master plan (drawing no. 18330-2-101) that the applicant has identified a potential future pedestrian route through the aforementioned lands, presumably as a more direct access to the neighbourhood centre than via the R579. I note, too, from my site visit that the vegetation on these lands indicates that they are poorly drained, and a watercourse runs along their boundary with Senandale. Accordingly, *prima facie* the identified alternative route would pose drainage challenges and possibly flood ones, too.
- 7.54. In the light of my discussion under items 2(ii) and (iii), it is clear that the minimisation of flood risk in the southern portion of the site, which includes the proposed means of access, would only be achievable in conjunction with an integrated programme of

works to the R579 in the vicinity of the site, which would bring together a replacement culvert, flood defences, and surface water drainage arrangements. In the absence of such works, the need for an emergency plan arises to address a scenario wherein a 1 in 100-year flood event or greater would leave the proposed housing estate potentially marooned.

- 7.55. The said programme of works would be necessary both to ensure the availability of a safe means of access/egress to the site at all times, thereby averting the need for an emergency plan, and to ensure that the proposal fulfils the LAP's objective that it includes measures to address "existing flooding issues in the area". Such works would be delivered by public authorities. However, as no timeline appears to be in the public domain for the same, I do not consider that a "Grampian" condition to delay the proposed development until such works have been carried out would be reasonable. I, therefore, conclude that the proposal would be premature until such time as the said works are carried out or are the subject of a funded programme to a definite timeline.

**(vii) Preliminary examination - EIA**

- 7.56. The proposal is for 74 dwelling houses. Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, this proposal would be of a type that could potentially be the subject of a sub-threshold EIA. Accordingly, I have undertaken a preliminary examination of it and I have concluded that there is no real likelihood of significant effects on the environment and so neither EIA nor sub-threshold EIA is necessary.

**(viii) Screening – AA**

- 7.57. The site is neither in nor near to a Natura 2000 site. The nearest such sites are the Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030). Storm water from the site would discharge to the River Owennagearagh River, which flows into the River Lee and on into Cork Harbour and the Great Island Channel. Accordingly, there is a source/pathway/receptor route between the site and these Natura 2000 sites.
- 7.58. During the construction phase, standard construction methods would be used to address the possibility of contaminated surface water run-off from the site. During the operational phase, the proposed storm water drainage system would be fitted

with attenuation tanks, flow control manholes, and hydrocarbon Class 1 bypass interceptors, all of which would be standard construction methods integral to the design of the project. Accordingly, the rate of flow would be controlled, and pollutants would be intercepted. Thus, the amount and quality of water in the Owennagearagh River would be safeguarded.

- 7.59. The seabirds which are identified as the qualifying interests for the aforementioned SPA are unlikely to use the site for roosting and foraging, due to its distance from Cork Harbour and the surrounding hilly terrain. Thus, the loss of agricultural land entailed in the proposal would not have a significant effect on these interests.
- 7.60. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Nos. 001058 and 004030, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Conclusion**

- 8.1. Under the first heading of my assessment, I concluded that there was no in principle objection to the proposal from a land use perspective. I also concluded that the scale of this proposal, which would exceed the recommended cap of 40 dwellings, would need to be revisited in the light of my assessment of density and amenity. Under the second and third headings of my assessment, I concluded that the density exhibited by the proposal would be appropriate and that it would be compatible with the visual amenities of the area. Consequently, the scale of the proposal would be acceptable.
- 8.2. Under the fifth heading of my assessment, I concluded that the proposal would fail to meet the LAP's objective that it address existing flood issues in the area. Thus, while this proposal would reduce the risk of flooding on-site, in the absence of works to the R579, the opportunity to minimise such risk both to the site and to the area would not be realised. Accordingly, there would be a need to prepare an emergency plan for the developed site. In these circumstances, I conclude that the proposal would be premature until such time as these works are either undertaken or are imminently achievable.

## 9.0 Recommendation

9.1. That permission be refused.

## 10.0 Reasons and Considerations

Having regard to Box 5.1 of The Planning System and Flood Risk Management Guidelines and to Section 4.8.17 of the Blarney Macroom Municipal District Local Area Plan 2017, the Board considers that the proposal would be premature, insofar as the opportunity to minimise flood risk on the site and to resolve flood issues in the adjoining area would only be realisable once works to heighten the flood resilience of the R579 have been undertaken to that portion of it which is within the vicinity of the site. To accede to permission ahead of such works would lead to a situation wherein flood risk minimisation would not definitely occur in conjunction with the proposal and so it would contravene the said Guidelines and the Local Area Plan, and it would pose an otherwise avoidable threat to public safety. The proposal would thus be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

18<sup>th</sup> January 2019