



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing)  
and Residential  
Tenancies Act 2016 (as  
amended)  
Inspector's Report on  
Recommended Opinion  
ABP-302962-18**

**Strategic Housing Development**

207 residential units and crèche

**Location**

Maglin Road, Ballincollig, Co. Cork

**Planning Authority**

Cork County Council

**Prospective Applicant**

Coleman New Homes Ltd.

**Date of Consultation Meeting**

12<sup>th</sup> December 2018

**Date of Site Inspection**

30<sup>th</sup> November 2018

**Inspector**

Sarah Moran

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located at the southern end of the built up area of Ballincollig, Co. Cork, north of the N22 Ballincollig bypass and c. 0.7 km from the centre of the town. It has a stated area of 6.37 ha and is undeveloped agricultural lands at present. The site is accessed via the Maglin Road, which links the Kilmoney Road south of Ballincollig with the L2222, eventually connecting with the N22. There are existing suburban residential developments to the immediate north and on the opposite side of the Maglin Road. There are further agricultural lands to the west and south. Lands to the west are also in the ownership of the prospective applicant (blue line site boundary). The Lisheen River flows along the southern site boundary where it meets the Grange Hill River, which runs along the eastern site boundary and onwards to the east. The site is within the 50kph zone but the Maglin Road is rural in character south of the site frontage, serving a farm yard and a string of one off dwellings. The site is c. 300m north east of Ballincollig Castle (RMP CO073-062), bawn (RMPCO073-062002) and cave (RMPCO073-062002). Ballincollig Castle is also a protected structure (RPS 467). There is a standing stone (RMP CO073-074) c. 180m to the north and several other recorded archaeological sites within 1km of the development site. In addition, a 'fulacht fiadh' was discovered within the site during archaeological test excavations. The site is currently laid out as 2 separate agricultural fields with hedgerows along field boundaries. There is an existing vehicular access at the northern end of the site, adjacent to Maglin Drive, with a hedgerow along the remainder of the road frontage.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed residential development comprises:

Unit Type	No. of Units	%
<b>Houses</b>		
2 bed	31	15%
3 bed	43	21%
4 bed	30	14%
<b>Apartments</b>		
1 bed	41	20%
2 bed	56	27%
3 bed	6	3%
<b>Total</b>	<b>207</b>	

3.2. The development has a stated net residential density of 40 units / ha. It also includes:

- Crèche (420 sq.m.) to provide 60 childcare spaces.
- Part V proposal to transfer 20 units on site.
- New access to the Maglin Road via a priority T junction. Works to the Maglin Road along the site frontage are included in the red line site boundary including junction to facilitate development of the Maglin bypass, cycling and pedestrian facilities, also provision for links between the Maglin Road cycle / pedestrian facilities and the employment zoned lands to the north west of the development site.

### 4.0 Planning History

4.1. None on file in relation to the subject site.

#### **4.2. Reg. Ref. 17/4567 ABP-300861-18 Adjoining Site to North**

- 4.2.1. Cork County Council granted permission for 14 houses on a site to the immediate north of the development site, accessed via Maglin estate. This decision is the subject of a current third party appeal to ABP.

### **5.0 National and Local Planning Policy**

#### **5.1. Project Ireland 2040 - National Planning Framework**

- 5.1.1. 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.

#### **5.2. Section 28 Ministerial Guidelines**

- 5.2.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

- ‘Childcare Facilities Guidelines for Planning Authorities’
- Urban Development and Building Heights Guidelines for Planning Authorities’ (2018)

### 5.3. Cork County Development Plan 2014 – 2020

- 5.3.1. NOTE: The following includes the provisions of Variation No. 1, adopted 12<sup>th</sup> February 2018, which updates the development plan to reflect the revised housing supply figures, approach to Active Land Management and the Metropolitan Cork Strategic Land Reserve arising from the adoption of the Municipal District Local Area Plans in 2017.
- 5.3.2. I also note that according to the documentation on file, this area is to be located within the City Council boundary from 2019.
- 5.3.3. Ballincollig is designated as one of 9 no. Metropolitan Towns within the Metropolitan Cork strategic planning area, i.e. a critical population growth, employment and service centre. Table B1 of Variation No. 1 specifies a population target of 23,805 for Ballincollig in 2022 from a base of 17,368 in the 2011 census, with a requirement of 4,033 new residential units in the period 2011-2022. The estimated net area to be zoned for residential development in the LAP is 183.29 ha (up from 170 ha).
- 5.3.4. Chapter 3: Housing. Policy HOU 3-3: Housing Mix seeks to secure the development of a mix of house types and sizes throughout the county. Policy HOU 4-1: Housing Density on Zoned Land seeks to ensure the delivery of densities between 20-50 units / ha on lands zoned for medium A density residential development.
- 5.3.5. Chapter 5: Social and Community. Objective SC3-1: Childcare Facilities seeks the provision of childcare facilities concurrent with development, having regard to population targets for the area. Section 5.7.7 requires a public open space provision of at least 12-18% of a site, excluding areas unsuitable for construction.
- 5.3.6. Chapter 10: Transport and Mobility. Table 10.1 identifies Ballincollig as a location for key bus service improvements with an all day target frequency of 15 mins. Section 10.2.24 states that Cork County Council will seek a commitment from the appropriate agencies to the delivery of a high quality bus corridor to link Ballincollig to the City Centre/Kent Station/Mahon in line with the CATS study prepared and submitted to Government in 2008. Plans for population and employment growth in the corridor will

be configured so that growth is delivered in tandem with the provision of new public transport infrastructure and services.

#### 5.4. **Ballincollig Carrigaline Municipal District Local Area Plan 2017**

- 5.4.1. The LAP identifies Ballincollig South (Maglin) as an Urban Expansion Area (UEA). LAP section 3.3.11 notes that the Maglin lands represent a major strategic housing and employment development opportunity for Metropolitan Cork. Section 3.3.15 states that the majority of Ballincollig's future housing stock will be located on the Maglin Urban Expansion Site. It is proposed that the site (c. 220 ha) will be a mixed use masterplan site for residential, employment, educational and recreational uses, the development of which will be phased over a number of years. Section 3.3.21 states that a new area for enterprise development (BG-E-01) is identified between the town centre and the UEA, to provide for high quality office based employment with pedestrian and cycle links to the town centre and the new residential areas to the south. Section 3.3.36 states that a site for a new primary school is to be reserved within the Maglin UEA. Table 2.3 indicates that Ballincollig has Irish Water services in place with limited or no space water services capacity. Section 3.3.55 states that parts of the Maglin UEA site are at risk of flooding, however there have been no unexpected flood events on the UEA lands. LAP section 3.3.68 states:

*“Designating this area as a whole new residential neighbourhood including the provision of business / employment lands, education and community facilities, provides an opportunity to create a sustainable new neighbourhood, allowing for the co-ordinated planning of the area's physical and social infrastructure. It is considered that comprehensive proposals are best delivered through the development of an overall master plan that co-ordinates the delivery of infrastructure as well as providing an opportunity for the market to construct a suitable range of housing to suit the needs of Ballincollig in the future.”*

Section 3.3 outlines design principles for the development of the Maglin site, including the provision of a 100m buffer zone around Ballincollig Castle.

- 5.4.2. Most of the site has the following development plan zoning objectives:

*‘BG-R-11 Medium A density residential development. Development on this site requires provision to be made for the delivery of infrastructure described on Tables 3.1 and 3.2’.*

'Medium A' density as outlined in the County Development Plan is 20 – 50 units / ha. The southern part of the site has the following zoning:

*'BG-R-06 Provision of open space and recreation park to include a mix of active and passive open space. This park provides a protection area for the Ballincollig Castle and a visual envelope over the adjacent residential areas.'*

5.4.3. The following objectives also apply in the immediate vicinity of the site:

- BG-O-06 also applies to other lands to the west and south of the site.
- BG-E-01 on lands to the north west. Development of a high quality business park for enterprise / industry and non-retail commercial development as part of the Ballincollig UEA.
- BG-T-01 'neighbourhood centre uses' on lands to the south east on the opposite side of the Maglin Road.
- BG-U-07 'Maglin bypass' to the east from the Maglin Road to the Eastern Link Road objective BG-U-05 to the south of the site.
- BG-C-03 'provision for a secondary school' nearby to the south
- IN-01 Identified flood risk areas to the south of the development site. SSFRA required.

5.4.4. LAP Table 3.1 sets out an infrastructure programme for the development of the Maglin UEA as follows. Infrastructure bundle 'B' applies to the site, i.e. Phase 2 of the UEA lands.

Table 3.1 Ballincollig (Maglin) Urban Expansion Area Proposed On-Site Infrastructure Programme Delivery Agency: Developer/Cork County Council			
On-Site Infrastructure Bundle	Key projects	Notes	Delivery Programme
A	Eastern Spine Link Road A* (Killumney Road (E) to Maglin Road)	To include water and waste water networks and surface water disposal network	Proposed initial infrastructure bundle Delivery of Bundle 'A' will facilitate development on the following zones: BG-R-04 BG-R-09 BG-R-10 BG-R-08 BG-C-04 BG-O-06, BG-O-07.
	Waste Water pumping station and rising main to existing Irish Water Infrastructure		
	Drinking water connection to IW infrastructure		
	Delivery of phase 1 of surface water management system		
B	Western Spine Link Road B* (Maglin Road to Killumney Road (W))	To include water and waste water networks and surface water disposal network	Delivery of this infrastructure bundle is not proposed to commence until after the delivery of Bundle 'A' Delivery of Bundle 'B' will facilitate development on the following zones**: BG-R-11 BG-R-12 BG-R-13 BG-R-14 BG-R-15  BG-C-02 BG-C-03
	Maglin Road re-alignment		
	Delivery of phase 2 of surface water management system		
	Development of Open Space Areas (East & West)		
<p>*Access to serve individual dwellings will not be permitted. New access will be to estate roads only</p> <p>**Development of zones linked to Infrastructure Bundles 'B' may commence in parallel with the delivery of infrastructure bundle 'A' if the following can be secured: Appropriate connections to water services infrastructure and surface management systems; and Relevant on/off site road infrastructure.</p>			

In addition, LAP Table 3.2 indicates:



Table 3.2 : Ballincollig (Maglin) Major Urban Extension Proposed Off-Site Infrastructure Programme Delivery Agency: Cork County Council		
Development Phase	No of Housing Units	Off-Site Infrastructure Project
Phase 1	Up to 1,500	Killumney Road Upgrade – Phase 1 (East)
		Walking/Cycling Network (Phase 1) <ul style="list-style-type: none"> <li>• Ballincollig Link Road</li> <li>• Station Road</li> </ul>
Phase 2	1,500 – 3,600	Killumney Road Upgrade – Phase 2 (West)
		Maglin Road Roundabout*
		Maglin Road re-alignment
		Walking/Cycling network (Phase 2) <ul style="list-style-type: none"> <li>• Muskerry Estate</li> <li>• Flynn’s Road</li> </ul>

\*To be completed prior to the occupation of housing on zone BG-R-11

5.4.5. The Ballincollig East Link Road Upgrade (BG-U-05) was listed on the LIHAF list of approved projects in March 2017. However, an updated LIGHAF list of approved projects published in March 2018 does not include the Ballincollig East Link Road upgrade. It therefore appears that funding to construct the link road upgrade has not been approved and is not being sought.

## 6.0 Forming of the Opinion

6.1. 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed Application Form; Letter of Consent from landowners (Stonecrest Construction & Cork County Council); Planning and Design Statement including Childcare Assessment; Statement of Consistency; Statement of Consistency on Traffic & Transportation Issues; Statement of Possible Effects on the Environment and sub threshold EIA Screening; Part V Proposal; Summary Minutes of Section 247 meeting; Site Location Map; Site Layout Plan; Overall Masterplan; Plans, sections and elevations; Schedule of Accommodation & Areas; Irish Water Confirmation of Feasibility; Traffic & Transportation Assessment; Flood Risk Assessment prepared by Barry & Partners; Services Infrastructure Report and Drawings; Archaeological Assessment & Test Trenching Report.

I have reviewed and considered all of the above mentioned documents and drawings.

### **6.3. Planning Authority Submission**

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork County Council, submitted a copy 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 5<sup>th</sup> December 2018. The planning authority's 'opinion' included the following matters.

#### **6.3.2. PA Comment on Principle of Development**

- The development is acceptable in principle with regard to the zoning objective.
- The proposed density is 32.49 units / ha using the total site area or 39.42 units / ha using the net developable area. Either option complies with the specific density requirements of LAP objective BG-R-11.
- As per Table 3.1, the following infrastructure must occur in parallel with the proposed development:
  - Eastern Spine Road A (Kilumney Road to Maglin Road)
  - Western Spine Link Road B (Maglin Road to Kilumney Road)
  - Maglin Road realignment
  - Waste water pumping station and rising main to existing IW infrastructure

- Drinking water connection to IW infrastructure
- Delivery of Phases I and 2 of surface water management system
- Development of open space areas (east and west)
- It is also noted that as per Table 3.2, the Maglin Road roundabout must be completed prior to the occupation of the development site.
- The development must include the provision of open space and a recreation park to include a mix of active and passive open space to comply with the BG-O-06 zoning.
- The southern part of the site is subject to flood risk objective IN-01.
- LIHAF funding is not currently available for the Ballincollig Link Road.
- The local authority would have to fund the development of the public facilities within the UEA from which the lands would benefit. The applicants would be required to contribute to these facilities by way of a Bespoke Development Contribution Scheme. The applicants also proposed to deliver the following improvements:
  - Junction designed to facilitate the development of the Maglin bypass and future connectivity to the eastern part of the UEA.
  - Upgrade of the pedestrian and cycling facilities along part of the Maglin Road.
  - Provision for pedestrian and cycling connectivity to the remainder of the UEA.
- The Council supports the principle of co-funding the infrastructure improvements outlined in Bundles A and B and supports the proposal for a Bespoke Development Contribution Scheme. However, the details of the Scheme and a timeframe for its delivery are not available at this time. Cork County Council is already using this model of funding a site in the UEA of Midleton.
- Due to timeframe issues, Cork County Council cannot commit to the development of same in the context of this planning application. It would necessitate revising the current Development Contribution Scheme and this involves a separate process with its own associated timescales. The timeframe for the amendment

may be beyond the timescale for the SHD planning application process. In addition, the site will be incorporated into the Cork City Council administrative area in June 2019. Therefore, by the time a Bespoke Development Contribution Scheme could be adopted by the County Council, the site may no longer be within its administrative area and a new arrangement would have to be made with the City Council.

- The Board may wish to consider the proposal having regard to the outcome of the appeal decision ABP-3000861-18.

#### 6.3.3. PA Comment on Density and Housing Mix

- The proposed density is 32.49 units / ha using the total site area or 39.42 units / ha using the net developable area. Either option complies with the specific density requirements of LAP objective BG-R-11.
- The application will need to demonstrate how the housing mix complies with development plan policy objective HOU 3-3 and Criteria No. 4 of the Urban Design Manual.

#### 6.3.4. PA Comment on Design and Layout

- The planning authority is not satisfied that the development complies with the 12 criteria set out in the Urban Design Manual.
- It is considered that the apartment blocks do not respond well to their surroundings and could be designed to connect more gradually with the landscape (Blocks B and C) and the existing single and two storey dwellings around the site (Block A). Concerns about the visual impacts of Block A when viewed from the Maglin Road. Blocks B and C have an isolated location and relate poorly to the surrounding landscape. They would be visually prominent, particularly from the south. Concern that they would be incongruous and not relate well to the landscape. The Board may wish to consider whether this is the correct location for multi-storey buildings and whether the height of the buildings is appropriate.
- The bland nature of the housing designs do not particularly positively contribute to the character and identity of the neighbourhood.

- Lack of connectivity with the existing housing estate to the north.
- Deficient provision of usable public open space. Much open space provided would be incidental, not usable. The northern part of the layout is particularly short of functional space.
- Concerns that the lack of active uses to the plaza facing Block A will result in an under uses, inactive / vacant space. Rear walls of H units bounding onto communal open space. Concerns about the distance of the parking area from the creche. Potential for illegal parking on the plaza. The Board may wish to consider whether the creche is at the correct location from a practical and proper planning point of view, also whether there is sufficient separation distance to protect the amenities of adjacent housing in the Maglin estate.
- Lack of detailed design of H units, unclear interaction with Block A. The adequacy of private amenity spaces for the H units is questioned. Proposed parking arrangement for H units is unclear.
- Concerns about overlooking of housing in Maglin estate from housing along the northern site boundary.
- The proposal does not successfully exploit views of Ballincollig Castle.
- Development does not comply with the Recreation and Amenity policy of the development plan and is deficient by 24.5 points. There are no kick about areas, open space for older children / teenagers. Need for an increased provision of play space throughout the layout.
- Lack of clarity regarding the public space serving the apartments and for use as a public park as per the relevant zoning objective.
- It is unclear which areas are to be taken in charge.
- Need for a landscaping plan.

#### 6.3.5. PA Comment on Roads, Traffic and Transport

- The planning authority considers that the following infrastructure is required and the Board may wish to consider whether the proposed development should make provision for same:

- Footpaths, cycle track and storm water drainage from the development to the Maglin Road / Killumney Road junction
- Upgrade of Killumney Road / Maglin Road junction with a toucan crossing on the Killumney Road
- Footpath, public lighting and storm water drainage to the south of the development on the western side of the Maglin Road to provide connectivity to the existing footpath that extends to the L2222. Land must be acquired to facilitate same.
- The Board may wish to consider whether provision has been made for the following infrastructural requirements which are critical to and tie into future plans for Cork and / or whether these can be provided within a reasonable timeframe in parallel with the proposed development:
  - Eastern Spine Link Road A (Killumney Road to Maglin Road)
  - Western Spine Link Road B (Maglin Road to Killumney Road)
  - Maglin Road realignment.

The Board may wish to clarify this and how the proposed Bespoke Development Contribution Scheme will deliver the required infrastructure. Further consideration would be required regarding any development on the remainder of the applicant's landholding.

- There is no certainty regarding the delivery of the above infrastructure. They cannot be taken into account in traffic impact assessment for the scheme.
- The proposed parking provision for the apartments does not comply with development plan standards. No visitor parking provided as required in the Apartment Guidelines. No parking for mobility impaired. The area is not well served by public transport.
- Concerns about shared spaces and turning areas and compliance with DMURS, accessibility for bin trucks, emergency vehicles, etc.
- Lack of visitor parking throughout.
- Need for vehicular access to Block B basement.

- Need for details of works to road frontage, road realignment and new junction / access.
- Concerns about parking provision and set down area for the creche.
- The Board may wish to consider whether the development complies with zoning objective BG-R-11 and Tables 3.1 and 3.2.
- The submitted TTA is noted. The AM and PM peak times should be defined. Creche trip rates should be validated by a survey exercise of a similar operation.
- Need for a Stage 1 Road Safety Audit.

#### 6.3.6. PA Comment on Waste Water, Surface Water and Flooding

- Requirement for detailed site specific surface water proposals and to investigate whether the proposed layout can accommodate Phase 1 and Phase 2 surface water management system.
- The Board may wish to consider whether compliance with BG-R-11 zoning objective has been achieved in relation to the requirement to make provision for the delivery of a waste water pumping station and rising main to existing IW infrastructure.
- Location of public open space and play area in a flood zone.

#### 6.3.7. PA Comment on AA and Ecology

- No potential for significant impacts on Natura 2000 sites.
- Japanese Knotweed is present at the site. A plan for eradication should be submitted with the application.
- Need for ecological assessment to consider retention and maintenance of hedgerow boundaries.

#### 6.3.8. PA Comment on Archaeology and Conservation

- The proposed housing is too close to the protected structure. The design and layout offer little views or visual corridors of the feature. Concerns about negative impacts on the setting of the protected structure. Detailed VIA required.
- No Archaeological Assessment submitted. The submitted Archaeological testing report only covers part of the site. The report submitted indicates that testing has

been carried out by the applicant but details not submitted. Also adjoining fields were not tested. Lack of clarity about the feature at the site due to absence of testing details.

- The site is close to Ballincollig Castle and a network of caves and a standing stone. The Board may require full geophysical testing on any anomalies identified during a geophysical survey.

#### 6.3.9. PA Comment on Part V

- Dispersal of units in Block A.

#### 6.4. **Submission of Irish Water**

6.4.1. The following points are noted:

- The proposed connection to the IW network can be facilitated subject to a valid connection agreement.
- The assessment does not confirm that a gravity connection is available to the public sewer. A suitably sized pumping station may be required to be installed at the site.

#### 6.5. **Submission of the Dept. of Culture, Heritage and the Gaeltacht**

6.5.1. The Dept. notes that during archaeological test excavations a burnt spread / fulacht fiadh was discovered towards the South Eastern boundary of the site. This monument has been entered into the Sites and Monuments Record as SMR No. CO073- 161. The Dept. concurs with the archaeological mitigation strategy outlined in the submitted Archaeological Impact Assessment (AIA) whereby it is proposed that the monument will be preserved in situ with a 20m buffer zone to ensure its continued protection. The Dept. recommends conditions requiring the preservation of the Recorded Monument in situ with a 20 m buffer zone, to be incorporated into a landscaping plan. An archaeological monitoring condition is not appropriate in this instance.

#### 6.6. **Consultation Meeting**

6.6.1. A section 5 Consultation meeting took place at the offices of Cork County Council on the 12<sup>th</sup> December 2018. Representatives of the prospective applicant, the planning



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

6.6.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Ballincollig Carrigaline District Local Area Plan; phasing of development; residential density and housing mix.
2. Design of residential accommodation. Residential layout including open space provision, public realm, relationship with adjoining sites.
3. Roads layout, DMURS, traffic impacts.
4. Archaeology and Heritage Issues.
5. Wastewater treatment, surface water drainage and flood risk assessment.
6. Any other matters.

6.6.3. In relation to the Ballincollig Carrigaline District Local Area Plan; phasing of development; residential density and housing mix, ABP representatives sought further elaboration / discussion on:

- LAP infrastructure requirements as per Tables 3.1 and 3.2
- Clarity of facilitating infrastructure for proposed development, specific infrastructure and Irish Water specifications required.
- Requirement for infrastructure upgrades outside redline boundary.
- Clarification required regarding net residential density of development, also phasing of development.

6.6.4. In relation to the design of residential accommodation and residential layout including open space provision, public realm, relationship with adjoining sites, ABP representatives sought further elaboration / discussion on:

- Issues raised in PA Opinion.
- Issues relating to apartment blocks adjacent to lands zoned for open space and the flood zone.

- Design and layout of the plaza adjacent to the site entrance and Neighbourhood Centre zoned lands.
  - Impacts on the setting of Ballincollig Castle. Integration of views towards the Castle and the archaeological feature present at the site.
  - Rationale for proposed public open space provision, to include consideration of the Cork County Council Recreation and Amenity Policy.
  - Relationship with employment zoned lands to the north west.
  - Relationship with adjoining residential development to the immediate north.
- 6.6.5. In relation to the roads layout, DMURS and traffic impacts, ABP representatives sought further elaboration / discussion on:
- Proposed junction and road frontage.
  - Achievement of LAP roads objectives for the Urban Expansion Area.
- 6.6.6. In relation to archaeology and heritage issues, ABP representatives sought further elaboration / discussion on:
- Several national monuments adjacent to site at castle.
  - Details required in relation to designated monument located on site.
  - Submission received from DAU.
  - Visual impact analysis required as castle is a protected structure.
- 6.6.7. In relation to any other matters, ABP representatives sought further elaboration / discussion on:
- Have regard to PA Opinion in relation to Part V and location of units.
  - Cork City Council to be notified on application
- 6.6.8. 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-302962-18', which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements:

### **Infrastructure and Connectivity**

### **Design and Layout of Development**

details of which are 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:

### **Infrastructure and Connectivity**

Further consideration of the documents as they relate to the phased development programme for Ballincollig South Urban Expansion Area, as set out in Tables 3.1 and 3.2 of the Ballincollig Carrigaline Municipal District LAP. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### **Design and Layout of Development**

Further consideration of the documents as they relate to the design and layout of the proposed development with regard to national and local planning policy, in particular the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the updated 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities', the draft 'Urban Developments and Building Heights Guidelines for Planning Authorities', the National Planning Framework and the relevant provisions of the Cork County Development Plan 2014-

2020. The prospective applicant should satisfy themselves that the proposed building heights provide the optimal urban design and architectural solution for this site and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the following matters:

- 1) Provision of a satisfactory interaction between the creche, the public realm and residential units at the vehicular access from Maglin Road;
- 2) 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, to include consideration of the provision of open space and recreation land uses at the southern end of the site as per LAP objective BG-O-06;
- 3) Potential impacts on the setting of Ballincollig Castle and views towards same from within and outside the development;
- 4) The provision of a 20m buffer zone around the archaeological feature identified in the southern part of the site;
- 5) The presence of LAP objective IN-01 identified flood risk areas at the southern end of the site;
- 6) Potential impacts on the residential and visual amenities of the Maglin Estate to the north of the development site and the provision of connectivity to same;
- 7) The relationship with the Neighbourhood Centre LAP objective BG-T-01 zoned lands and objective BG-E-01 'development of a high quality business park' lands adjacent to the site.

The proposed development shall have regard to the site's context and locational attributes including the adjacent protected structure. In this regard an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that may be considered to materially contravene the said plan, if applicable, is required. The further

consideration of these issues may require an amendment to the documents and/or design rationale 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. Statement of Housing Mix in accordance with objective HOU 3-3: Housing Mix of the Cork County Development Plan 2014, to indicate that the development provides a mix of house types and sizes in accordance with the likely future population of the County as set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas
2. Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the National Monuments Service which is attached.
3. Heritage Assessment to consider impacts on Ballincollig Castle protected structure.
4. Landscape and Visual Impact Assessment with photomontages and 3D modelling, to include consideration of impacts on the protected structure Ballincollig Castle.
5. Landscaping proposals to include (i) Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site; (ii) rationale for proposed public open space provision, to include an open space hierarchy and detailed layouts for the public open spaces at the creche and adjacent residential units, also consideration of the Cork County Council Recreation and Amenity Policy.
6. A site specific flood risk assessment and details of proposals for the drainage of the site and the attenuation of surface water runoff, as well as details demonstrating the capacity of the receiving waters for stormwater effluent and of

the wastewater treatment plant to cater for foul effluent from the proposed development.

7. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018). The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
  8. Traffic and Transport Impact Analysis.
  9. Rationale for the proposed car parking provision with regard to Cork County Development Plan car parking standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to include a car parking management strategy for the apartments.
  10. Stage I Road Safety Audit
  11. Ecological Impact Statement to consider the retention and management of hedgerow boundaries at the site.
  12. AA screening report.
- 8.5. 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. The Minister for Culture, Heritage and the Gaeltacht
  2. The Heritage Council
  3. An Taisce
  4. An Chomhairle Ealaíon
  5. Fáilte Ireland
  6. Irish Water

7. Transport Infrastructure Ireland
8. National Transport Authority
9. 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 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Sarah Moran

Senior Planning Inspector

14<sup>th</sup> January 2019