



An  
Bord  
Pleanála

## Inspector's Report ABP-303037-18

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<b>Development</b>	The construction of a residential development of 96 no. dwelling houses, a single storey creche, and all associated ancillary development works.
<b>Location</b>	Shanbally, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/04967
<b>Applicant(s)</b>	Shanbally Developments Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party -v- Decision
<b>Appellant(s)</b>	Shanbally Developments Ltd
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> February 2019
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in Shanbally, a scattered village settlement to the west of Ringaskiddy and the north-east of Carrigaline. The northern portion/functioning centre of this village lies on an E/W stretch of the N28 and it comprises a local convenience shop, a public house, a GAA club, a parish church, a National School, and housing. The site lies in the southern portion of this village and it comprises, variously, clusters of estate housing and miscellaneous housing. Beyond the village to the east lie several pharmaceutical plants and the Barnahely 110kV ESB station and the two portions of the village are effectively separated by lands across which are route electricity lines supported on pylons and poles. (The proposed route of the M28 would also cross these lands).
- 1.2. The site itself lies to the south and west of existing housing and it adjoins to the north west the grounds of Hibernian FC. This site is of irregular shape and it extends over an area of 5.438 hectares. The northern portion of the site is subject to gentle gradients that fall to the south-east, while the remainder of this site is subject to slightly more pronounced gradients that fall to the south. The site is presently down to grass and in agricultural use. It is composed of a main field and a small field to the east. External and internal boundaries are denoted by either hedgerows and/or agricultural post and wire fences.
- 1.3. The site is accessed via a farm gate that lies at the end of a residential cul-de-sac to the north-east and adjacent to a small farm yard.

## 2.0 Proposed Development

- 2.1. The proposal seeks a 10-year permission for the development of the site to provide 96 no. dwelling houses (11,963.69 sqm), a single storey creche (383.4 sqm), and all associated ancillary development works. The dwelling houses would comprise the following:
  - 9 no. four-bed detached dwelling houses,
  - 14 no. four-bed semi-detached dwelling houses,
  - 64 no. three-bed semi-detached dwelling houses,

- 7 no. three-bed townhouses, and
- 2 no. four-bed dormer dwelling houses.

The proposal would be developed 3 phases as follows:

- 31 no. dwellings houses in the eastern and central portion of the site
- 36 no. dwelling houses in the south western portion, and
- 29 no. dwelling houses in the western portion + the creche in the south eastern portion.

(The northern portion would be laid out as a replacement playing field for Hibernians FC and as a public open space)

2.2. The proposal would be accessed off the western ends of two existing residential cul-de-sacs at Coolmore Gardens, a small housing estate, which is accessed off the western side of the L-2492. As originally submitted, access would also have been provided from the north off the L-6472 Shanbally to Raheen Link Road (Part of the M28 Cork to Ringaskiddy Motorway Scheme (PL04.HA0053). However, under condition 2(b) attached to the permission for this Scheme, this Link Road was omitted and so the proposed access off it was omitted under further information.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Following receipt of further information, permission was refused for the following reasons:

1. *Having regard to:*
  - *The scale of the existing settlement of Ringaskiddy,*
  - *The scale and siting of the development proposed within this application (96 no. dwelling houses),*
  - *Sections 3.7.11 – 15 of the Ballincollig – Carrigaline MD Local Area Plan (2017),*
  - *Objective HOU 3-1 of the Cork County Development Plan (2014 – 2020), and*
  - *Section 6.3(e) of the Guidelines for Planning Authorities on Sustainable Development in Urban Areas (2008),*

*It is considered that the scale, pattern and density of development, together with the distance from and poor connectivity to the village centre would render the development inconsistent with the proper planning and sustainable development of the area.*

- 2. Having regard to the deficient capacity of the local road network, it is considered that the proposed development, by reason of scale and density, would result in unacceptable traffic congestion and consequent traffic hazard in Coolmore Gardens and would set an undesirable precedent for similar development in the area. Furthermore, the proposed development would endanger public safety because of the serious pedestrian and vehicular conflict which it would generate on the adjoining road.*
- 3. The proposed development would, therefore, endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

Further information was sought with respect to number of dwelling houses, means of access for construction traffic, road improvements to Coolmore Gardens, clarification of identified wayleaves, walking and cycling connectivity, foul and storm water drainage survey of Coolmore Gardens, prospective taking in charge areas, piling and the need for vibration monitoring and structural surveys of existing dwelling houses, and archaeological impact assessment.

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

- IFI: Further information requested, no comments on receipt of same.
- TII: Objects to the proposal, as originally submitted, on the grounds that the proposal would be at variance with the Spatial Planning and National Roads Guidelines with respect to the control of frontage development onto national roads and insufficient data has been submitted to demonstrate that the proposal would not have a detrimental impact upon the capacity, safety, or operating efficiency of these roads (a TTA is thus requested).
- Public Lighting: Clarification of further information requested.

- Housing: No objection.
- Cork NRO: No objection, subject to conditions, which address proximity to the proposed M28 to the north of the site, noise, and the prematurity of access from a proposed link road to the south of this motorway.
- HSE: Environmental Health: Further information requested, no comments on receipt of same.
- Area Engineer: Following receipt of further information, refusal recommended for the second and third reasons cited above.
- Estates: Following receipt of further information, refusal recommended for the three reasons cited above.
- Irish Water: No objection, standard observations.
- Archaeology: Site is close to the Zone of Archaeological Potential around the Recorded Monuments CO087-040 & 41 (Enclosures). Further information requested, no comments on receipt of same.
- Traffic & Transport: Further information requested, no comments on receipt of same.
- HSA: No objection.

#### 4.0 Planning History

- 06/6928: 145 no. dwelling houses: Permitted at appeal (PL04.221079).
- 12/5015: Time extension for the permission granted to 06/6928 refused on the following grounds:

*Having regard to:*

- *The scale of the existing settlement of Ringaskiddy,*
- *The scale and siting of the development proposed (131 no. dwelling houses),*
- *The requirements set out under Section 42 of the Planning and Development Act 2010,*
- *Objective HOU 7-1 of the Cork County Development Plan 2009,*

- *The provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issues by the Minister in May 2009 under Section 29 of the Planning and Development Act.*

*It is considered that the scale, pattern and density of development, together with the distance from and poor connectivity to the village centre would render the development inconsistent with the proper planning and sustainable development of the area having regard to the Guidelines on Sustainable Residential Development in Urban Areas issued under Section 28 of the Planning and Development Act. Furthermore, the development would be inconsistent with Objective HOU 7-1 of the Cork County Development Plan 2009.*

*The proposal does not satisfy criteria (II) and (III) of S42(1)(a)(ii) of the Planning and Development Act 2010 and the Planning Authority is not therefore satisfied that it is appropriate to grant the extension of duration of the permission.*

- Pre-application consultation occurred on 30<sup>th</sup> August 2017.

## **5.0 Policy and Context**

### **5.1. Development Plan**

Under Objective EE 4-1 and Table 6.1 of the Cork County Development Plan 2014 – 2020 (CDP), Ringaskiddy is identified as a Strategic Employment Area wherein the planning authority undertakes to “Protect lands in these areas from inappropriate development which may undermine their suitability as Strategic Employment Centres.” This undertaking is echoed in the Ballincollig-Carrigaline Municipal District Local Area Plan 2017 (LAP) which states, under General Objective RY-GO-01, to “Reaffirm Ringaskiddy’s focus on industrial and port related roles which reflects its status as a Strategic Employment Area.”

Under the LAP, the site is shown as lying within the development boundary around Ringaskiddy and Shanbally and in an “existing built up area”. Under the CDP, Objective ZU 3-1 addresses existing built up areas and it states the following:

*Normally encourage through the LAP’s development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.*

Objective HOU 3-1 of the CDP addresses sustainable residential communities and Sections 3.7.11 – 15 of the LAP address population and housing in Ringaskiddy and Shanbally, relevant extracts from which are set out below:

- 3.7.11 The population of Ringaskiddy in 2011 was 478...and the population of Shanbally stood at 337.*
- 3.7.12 Carrigaline provides the main supply of housing land for this area...*
- 3.7.13 Whilst the LAP does not intend to provide any significant additional population growth...*
- 3.7.14 In the absence of a 2023 target population figure it is envisaged that Ringaskiddy's population will remain relatively static. There is potential for limited residential development within the town centre areas of Ringaskiddy and Shanbally villages. The land which was zoned for residential development in previous plans has now been included within the overall town centre zonings of Ringaskiddy and Shanbally villages.*
- 3.7.15 The scale and form of development will be very much dependant on retaining the character of villages. While there may be opportunities for terraced and in-fill development in the village core areas, most development will be in the form of clusters of dwellings of varying sizes and types and in this context no one proposal for residential development should be greater than 30 units.*

To the south of the site, 25.4 hectares of land is zoned for industry and it is the subject of the following specific development objective RY-I-05: "Industry, with provision for appropriate landscaping, along the eastern and southern and south western boundaries to residential areas." To the west and north of the site, 15.9 hectares of land is zoned for open space and it is the subject of the following specific development objective RY-O-03: "Open space which acts as a buffer between proposed industry and established uses. While the patterns of land use will remain largely unchanged, if the adjoining industry makes proposals for development, consideration will be given to landscaping including strategic tree planting on the land." Also, to the north, runs the route of the proposed M28, which is the subject of the specific development objective RY-U-02.

## **5.2. Natural Heritage Designations**

- Cork Harbour SPA (site code 004030)



- Monkstown Creek pNHA (site code 001979)

### 5.3. EIA Screening

Under Items 10(b)(i) & (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, where more than 500 dwelling units would be constructed and where 10 hectare-urban sites would be developed, the need for a mandatory EIA arises. The proposal is for the development of a 5.438 hectare greenfield site to provide 96 dwelling houses. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The applicant begins by reviewing the planning history of the site and historic and contemporary planning policies and objectives pertaining to the site. It also outlines policies and objectives from the hierarchy of plans that have a bearing upon the current proposal. It then responds to the reasons for refusal as follows:

- The proposal would be of an appropriate scale and density within the settlement of Shanbally/Ringaskiddy and it would comply with all relevant planning policies and objectives.

Uniquely within the LAP, no population targets are set for Shanbally/Ringaskiddy. While previously residentially zoned lands have been incorporated within new town centre zonings, the site lies within “an existing built up area”. Previously permission was granted for housing on this site and residential use remains the most appropriate one for it.

In the absence of guidance from the LAP with respect to the site, the Sustainable Residential Development in Urban Areas Guidelines are of assistance. They encourage development within the environs of settlements where existing infrastructure is available and where its scale would be in

proportion to that which already exists. Typically, densities of 20 – 35 dwellings per hectare would be appropriate. The proposal would come within this range and it would complement the concentration of pharmaceutical industries in Ringaskiddy.

The Planning Authority's view that the LAP limits housing sites in Shanbally to 30 dwellings is challenged insofar as this cap applies to lands zoned town centre only. Nevertheless, the proposal would be developed on a phased basis with c. 30 dwellings in each phase.

The proposal would provide an alternative to those wishing to live in the countryside. The convenience afforded by the site would be enhanced by proposed improved walking and cycling links with the centre of Shanbally.

- The proposal would be accessible from the centre of Shanbally and its proximity to Ringaskiddy would promote sustainable commuting patterns.

The applicant has submitted a Traffic and Access Report, which concludes that traffic generated by the proposal would not have a significant impact upon the local road network and public transport options arise near to the site.

In addition to the aforementioned improvements to the local road network, the proposal would entail the provision of a creche and a replacement soccer pitch for Hibernian FC, as their existing one lies in the path of the proposed M28.

- The proposal would not result in significant traffic congestion on the local road network and it would not endanger public safety.

Attention is drawn to the larger previous proposal for the site. A 5-year permission was granted for this proposal on the basis of the access arrangements for construction traffic that are now envisaged.

The applicant has submitted a Construction Traffic Management Plan, which sets out mitigation and safety measures that would be pursued during any construction phase.

## 6.2. Planning Authority Response

None

### 6.3. **Observations**

None

### 6.4. **Further Responses**

None

## 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of national planning guidelines, the CDP, 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) Strategic and local land use,
- (ii) Development standards, amenity, and creche,
- (iii) Traffic, access, parking, and sustainable transportation,
- (iv) Water, and
- (v) Stage 1: AA Screening.

#### **(i) Strategic and local land use**

7.2. Under the CDP and the LAP, Ringaskiddy is identified as a Strategic Employment Area. The former Plan refers to the need to protect lands within this Area from inappropriate development, which would undermine their suitability for inclusion within it, while the latter Plan refers to the need to reaffirm the focus upon industrial and port related roles within the said Area.

7.3. Under the LAP, no target population is set for Ringaskiddy and Shanbally and no land is zoned residential. Instead, any new residential development is envisaged as being located in the respective village centres under the town centre zoning and no one proposal is to exceed 30 residential units.

7.4. Under the LAP, the site is included within an area denoted as “existing built up area” and it adjoins lands to the south and to the north and west, which are variously zoned enterprise and open space/sports/recreation/amenity. Previously, under the

Carrigaline Electoral Area Local Plan 2005, this site was denoted as an established primarily residential area. A comparison of these two Plans indicates that the current “existing built up area” is composed largely of what were previously established areas, which were either primarily residential or primarily industry/enterprise. The land use pattern “on the ground” reflected in this distinction has not altered in the intervening period even if it is no longer acknowledged in the LAP.

- 7.5. The site was the subject of a permission for 145 dwelling houses (06/6928 and PL04.221079), which was granted under the 2005 Plan. This permission was not implemented and an application for a time extension (12/5015) was refused for essentially the same reason as the first reason cited by the planning authority for refusing the current application.
- 7.6. The aforementioned refusal of the requested time extension was made under the Carrigaline Electoral Area Local Plan 2011. A comparison of this Plan with the current LAP indicates that the changes discussed above between the 2005 and 2017 Plans were first introduced in the 2011 Plan.
- 7.7. Objective ZU 3-1 of the CDP states “Normally encourage through the LAP’s development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.” Under Paragraphs 14.3.1 – 6 of the CDP, existing built up areas are discussed. Paragraph 14.3.6 addresses undeveloped land within existing built up areas and it advises that “The inclusion of this land within an existing built up area does not imply any presumption in favour of development..., unless this would enhance the character and amenity of the area as a whole.” Earlier in paragraph 14.3.2 the following criteria is set out for the assessment of proposals on such lands:
- *The objectives of this plan;*
  - *Any general or other relevant objectives of the relevant LAP;*
  - *The character of the surrounding area; and*
  - *Other planning and sustainable development considerations considered relevant to the proposal or its surroundings.*

7.8. The planning authority's first reason for refusal does not refer to the above cited paragraphs from the CDP. Instead reference is made to the following factors:

- *The scale of the existing settlement of Ringaskiddy,*
- *The scale and siting of the development proposed within this application (96 no. dwelling houses),*
- *Sections 3.7.11 – 15 of the Ballincollig – Carrigaline MD Local Area Plan (2017),*
- *Objective HOU 3-1 of the Cork County Development Plan (2014 – 2020), and*
- *Section 6.3(e) of the Guidelines for Planning Authorities on Sustainable Development in Urban Areas (2008).*

I will discuss each of these in turn.

- The first factor refers to Ringaskiddy. When the LAP refers to Ringaskiddy, it does so as “Ringaskiddy including Port of Cork”, and it categorises this place as a main town and key asset. Given that the 2011 population is stated as being 478 and that of Shanbally's as 337, I consider that this categorisation arises from the presence of the key asset of the Port of Cork. The LAP reports on the relative stability of the population of these two villages.
- The second factor is self-explanatory.
- The third factor refers to the reliance of Ringaskiddy/Shanbally upon Carrigaline for new housing. Thus, no population target is cited for these villages and any new residential development is envisaged as being both confined to their recognised centres and of no more than 30 dwellings at a time.
- The fourth factor refers to the Sustainable Residential Development in Urban Areas (SRDUA) Guidelines, the need to promote sustainable modes of transport, and the need to ensure good connectivity between new residential development and existing public footpaths.
- The fifth factor refers to Item 6.3(e) of the SRDUA Guidelines, which advises on the need to ensure that the scale of new residential development is proportion to existing such development. Specifically, these Guidelines advise that in the case of villages “it is generally preferable that overall expansion proceeds on the basis of a number of well integrated sites within and around

the village centre rather than focusing on rapid growth driven by one very large site.”

- 7.9. In the light of the foregoing factors, the planning authority critiques the current proposal on the grounds of its scale, pattern, and density of development and on the grounds of its distance from and poor connectivity with Shanbally village centre. The former critique refers to the size of the proposal, which is for 96 dwelling houses, its conventional suburban layout, and its stated density of 22 dwellings per hectare. The latter critique refers to the distance of 0.9 km between the site and the village centre and the absence over 100m from the local road of a public footpath. Under further information, the applicant identified a shorter route through the adjoining existing housing estate, which would result in the said distance contracting to 0.7 km and the provision of a continuous public footpath.
- 7.10. The appellant does not accept the planning authority’s critique. It states that the proposal would be of an appropriate scale when considered within the context of Ringaskiddy/Shanbally and its density would fall within the range of 20 – 35 dwellings per hectare recommended for small settlements in the SRDUA Guidelines. It also states that the proposal would complement the workplaces concentrated in Ringaskiddy and attention is drawn to the historic precedent of a housing permission on the site and to the view that, if the site is to be developed, then residential use would be the most appropriate after use.
- 7.11. I consider that in seeking to assess the land use issue raised by the planning authority’s refusal of the current proposal, a relevant test is whether or not there has been any material change in planning circumstances since the historic permission for the residential development of the site was granted in 2007. In this respect, I have already noted that the land use pattern on the ground has remained remarkably consistent and so the appellant’s insistence that, notwithstanding the change in the LAP designation of the site from established primarily residential area to existing built up area, under any development scenario, residential use remains the most appropriate one is persuasive. That said the SRUDA Guidelines, which were adopted in May 2009, do strike a different note in warning against a situation wherein the development of a village arises from one large site rather than the development of several smaller ones that are well integrated to the village centre. The current LAP’s approach of envisaging new residential development on several small sites within

the recognised village centre of Shanbally is thus a clear-cut application of these Guidelines. Likewise, the emphasis of the CDP upon good connectivity needs to be reckoned with. Under the revised proposal, the distance to the village centre would still be above 0.5 km, the normal distance deemed necessary to encourage walking, and the width of the available public footpath would vary, being in places only 1.35m and so less than 1.8m, the width deemed desirable for pedestrians to pass one another comfortably. The proposed M28 would entail the routing of the relevant local road underneath this motorway in an underpass, which would likewise affect perceptions of connectivity and commodiousness.

- 7.12. In the light of the foregoing considerations, I conclude that there has been a material change in the planning circumstances affecting the site, i.e. not with respect to land use patterns on the ground but with respect to the national and local planning policy context. I note that, under further information, the planning authority sought to find some common ground by advising the applicant to seek permission for only 30 dwelling houses. This it declined to do. However, a phasing plan was submitted which shows that the proposal would proceed on the basis of c. 30 dwelling houses at a time over 3 phases. I note, too, that as the application is for a 10-year period, such phasing could occur over this whole period, although there would be nothing to stop the applicant choosing to proceed more rapidly. Ultimately though a significant expansion of the village on its south western outskirts would ensue in contravention of the approach to housing set out in the current LAP.
- 7.13. I conclude that the proposal would be contrary to national and local planning policies with respect to the development of new housing in villages.

**(ii) Development standards, amenity, and creche**

- 7.14. Objective HOU 4-1 and Table 3.1 address density. “Smaller towns” are deemed to be suitable for the Medium “B” approach to density, wherein minimum and maximum net residential densities of 12 and 35 dwellings per hectare are cited. Ringaskiddy/ Shanbally would be a smaller town for this purpose and so the stated density of the current proposal of 22 dwellings per hectare would come within these parameters. This figure is based on a developable site area of 4.372 hectares, i.e. it excludes the proposed replacement playing pitch for Hibernians FC. It does include the site of the proposed creche, which could reasonably be excluded, too. I estimate that, on this

basis, the relevant site area would be 4.188 hectares, yielding a net residential density of 23 dwellings per hectare.

7.15. Objective HOU 3-3 of the CDP addresses housing mix. It seeks the submission of a statement of housing mix, in order that proposals can be evaluated in the light of needs of the likely future population of the County.

7.16. The current proposal is for 96 dwelling houses. The applicant sets out the composition of dwelling houses in this proposal as follows:

- Types A1 & A2: 9 four-bed/seven bedspace detached units (168 sqm each),
- Types B1 & B2: 14 four-bed/seven bedspace semi-detached units (140.3 sqm each),
- Types C1, C2 & E1: 64 three-bed/five bedspace semi-detached units (C1 & C2: 118.2 sqm each and E1: 90 sqm each),
- Types D1 & D2: 7 three-bed/five bedspace townhouses (90 sqm each), and
- Type F1: 2 four-bed/seven bedspace dormer units (176 sqm each).

7.17. The applicant has not sought to justify the above cited mix of dwelling houses. From the information summarised above, the proposed accommodation would provide either five or seven bedspaces over floorspaces ranging between 90 and 176 sqm. As the applicant proposes that Types E1, D1 & D2 be allocated for the purposes of Part V, the 90 sqm dwelling houses would thereby be accounted for and so the remaining floorspace would range between 118.2 and 176 sqm. Each dwelling house would be served by two-off street car parking spaces to the front (and so would accord with CDP standards in this respect) and a garden to the rear. Given the resulting similarity of the proposed dwellings houses and the absence of a justification for their selection in accordance with Objective HOU 3-3, questions arise as to the relatively narrow band of households that would be provided for therein.

7.18. Under Table 5.1 of the Quality Housing for Sustainable Communities: Best Practice Guidelines, recommended space provision and room sizes for typical dwellings are set out. The proposed dwelling houses would largely meet or exceed the areas specified in this Table. The only exception would be the 90 sqm dwelling houses, which as two storey/three-bed/five bedspace ones would be slightly below the recommended 92 sqm.



- 7.19. The CDP is not prescriptive on private open space. While the vast majority of proposed rear gardens would be of reasonable size, plots 61, 62, 72, 73, and 75 appear a little tight. My concern in this regard is heightened by the fact that these plots abut the western and southern boundaries of the site, which in the latter case abuts a site zoned for enterprise in the LAP. This site is denoted as RY-I-05 and although the accompanying commentary refers to landscaping to certain of its boundaries the northern one is omitted. I, therefore, have a wider concern that the layout of the site fails to allow for a landscape buffer along its southern boundary to ease any transition from housing to future industry.
- 7.20. Elsewhere on the site, the proposed layout would entail the siting of dwelling houses near to a stable block denoted as A and B (which would be the subject of a wayleave between plots 5 and 6), the siting of dwelling houses near to the southern end of the proposed replacement playing pitch for Hibernians FC, and the siting of dwelling houses awkwardly in relation to the existing dwelling house at the south western end of the residential cul-de-sac to the north east of the site.
- 7.21. The proposal would include a 60-place creche (383.4 sqm), which would serve future residents and the wider locality of dwelling houses and workplaces. This creche would be sited in the south eastern corner of the site and at the entrance to the same from Coolmore Gardens. It would be accompanied by an outdoor play area to the rear. A drop off and collection area would be laid out to the front of the creche along with 11 off-street car parking spaces. The creche would meet all relevant national and local standards. My only concern again is that its siting adjacent to the southern boundary would, as outlined above, leave insufficient space for a landscape buffer.
- 7.22. I conclude that, while the density of the proposal would accord with CDP standards and the proposed dwelling houses would largely accord with national size recommendations, the layout of the site would fail to pay sufficient regard to existing and likely future uses of adjoining lands. In particular, the need for a landscape buffer along the southern boundary with the enterprise site denoted as RY-I-05 in the LAP is a significant omission that would have potential implications both for the amenities of future residents and the full realisation of the zoning objective for this neighbouring site, which forms part of the Strategic Employment Area of Ringaskiddy.

### **(iii) Traffic, access, parking, and sustainable transportation**

- 7.23. The planning authority's second and third reasons pertain to concerns over the capacity of Coolmore Gardens to accommodate construction and operational phase traffic generated by the proposal. Traffic congestion and hazard are thus anticipated.
- 7.24. As originally submitted, the proposal would have incorporated an access from a link road which would have run alongside the proposed M28 to the north of the site. However, this road was omitted from the permission granted to the M28 and so, under further information, the said access and accompanying stretch of road was omitted from the current proposal. Consequently, in the event that the M28 proceeds, traffic generated by the proposal would access the same via Shanbally village and the existing N28 and so I anticipate that the concerns of the TII over the proposal, as originally submitted, would now be allayed.
- 7.25. At the appeal stage, the applicant has submitted a Traffic and Access Report, which draws attention to the previous housing permission for the site. This permission was conditioned to allow 138 dwelling houses with access exclusively through Coolmore Gardens. The said Report illustrates that trip generation during am and pm peaks would be considerably lower than those that would have arisen under the historic permission.
- 7.26. Clearly, construction stage traffic would have impacts upon local residents that would need to be carefully managed to ensure their mitigation. In this respect a Construction Traffic Management Plan has been submitted at the appeal stage.
- 7.27. During my site visit, I observed that both forward visibility and sightlines at the junction between the L-2492 and Coolmore Gardens are good, and that the existing estate road has been constructed to generous dimensions, formerly considered appropriate. Under further information, the applicant has submitted drawing 16105 – PL – 007 revision C, which depicts traffic calming measures at the said junction and along the said estate road. This drawing also shows indicatively such measures along the L-2492, to the north of the site. Also, under further information, traffic calming measures for the on-site road network have been brought forward. Subject to the findings of RSAs, these off-site and on-site measures would promote road safety.

- 7.28. Under the second heading of my assessment, I have addressed car parking provision. Formal cycle parking would be required in conjunction with the proposed creche. Under CDP standards, 1 space per 3 staff and 1 space per 10 children should be provided. Such provision could be conditioned.
- 7.29. The aforementioned Traffic and Access Report draws attention to bus stops to the north east of the site on the L-2492 and further to the north on the N28 in the centre of Shanbally village. These stops are used by Bus Eireann's service No. 223, which runs between Cork City and Haulbowline roughly at hourly intervals. It also draws attention to a revised pedestrian route, which I discussed under the first heading of my assessment. This route would need to be available, if the said buses are to be accessed safely.
- 7.30. I conclude that traffic generated by the proposal would be capable of being accommodated on the existing local road network and that proposed traffic calming measures would, in principle, promote road safety. Proposed access arrangements would be satisfactory, subject to the said measures, and proposed parking arrangements would be satisfactory, subject to the provision of cycle stands at the creche. Sustainable transportation options would be promoted by the proposed shortened pedestrian route through existing housing that would be facilitated by the development of a public footpath over an existing wayleave.

#### **(iv) Water**

- 7.31. The proposal would be connected to the existing public water mains and foul sewer in Coolmore Gardens. The applicant has made a pre-connection enquiry of Irish Water and it has been advised accordingly. As a consultee to the current proposal, Irish Water has raised no objection to the same.
- 7.32. The proposal would be served by a surface water drainage system, which would discharge to the existing storm water sewer in Coolmore Gardens. This system would incorporate an attenuation tank, which would be sized to cope with a 1 in 100-year flood event + 10% for climate change. This tank would be accompanied by a hydrocarbon interceptor and a hydro-brake, which would simulate the greenfield run-off rate.

- 7.33. The proposal does not appear to include standard SuDS methodologies such as permeable surfaces to car parking spaces and the use of soakaways in connection with the run-off from rainwater goods. Such methodologies could be conditioned.
- 7.34. Under the OPW's website floodinfo.ie, the site is not the subject of any identified flood risk.
- 7.35. I conclude that the proposal would be capable of being satisfactorily supplied with water and drained with respect to foul and surface water. The site is not the subject of any identified flood risk.

**(v) Stage 1: AA Screening**

- 7.36. 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 the Cork Harbour SPA (site code 004030). I am not aware of any source/pathway/receptor route between the site and these Natura 2000 sites. Furthermore, the waterfowl and seabird species that comprise the qualifying interests of the SPA would frequent wetland and coastal habitats. Whereas the LAP identifies sites within Ringaskiddy that may be frequented by these species, the application site is not one of these. The proposal would thus be unlikely to have any significant effects upon the Conservation Objectives of these sites.
- 7.37. Having regard to the nature of the receiving environment and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**8.0 Recommendation**

- 8.1. That permission be refused.

## 9.0 Reasons and Considerations

Having regard to:

- The location of the site within an existing built up area in Shanbally,
- Paragraph 14.3.2 of the Cork County Development Plan 2014 – 2020, which addresses existing built up areas,
- The status of Ringaskiddy/Shanbally as a Strategic Employment Area and the location of a zoned enterprise site to the south of the site, which is denoted as RY-I-05 in the Ballingcollig – Carrigaline Municipal District Local Area Plan 2017,
- Paragraphs 3.7.11 – 15 of the said Local Area Plan, which state that new housing envisaged for Shanbally is to be accommodated in the village centre and to consist of proposals, each of which should be for no more than 30 dwelling houses,
- Paragraph 6.3(e) of the Sustainable Residential Development in Urban Areas Guidelines, which advises against the development of large sites for housing in village contexts, and
- Objective HOU 3-1 of the Cork County Development Plan 2014 – 2020, which promotes sustainable modes of transportation and thus good pedestrian connectivity between new housing and village centres,

The Board considers that the proposal for 96 dwelling houses on a site outside of and relatively remote from Shanbally's village centre would contravene the aforementioned national and local planning policies and objectives. Furthermore, the layout of this proposal would omit to provide a landscape buffer between the site and the adjoining site to the south, which is zoned enterprise and denoted as RY-I-05, and so, if residential amenities are to be safeguarded, the optimum future development of this site, as part of the Strategic Employment Area, would be undermined. 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

8<sup>th</sup> March 2019