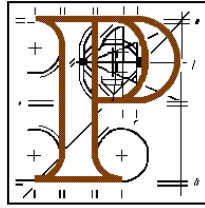


# An Bord Pleanála



## Inspector's Report

**APPLICANT:** CORK CITY COUNCIL

**PROPOSED SCHEME:** GLANMIRE ROAD IMPROVEMENT SCHEME

**DATES OF SITE INSPECTION:** 17<sup>th</sup> JUNE 2020 & 19<sup>th</sup> JANUARY 2021

**INSPECTOR:** KEVIN MOORE

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## **1.0 NATURE AND SCOPE OF COMPULSORY PURCHASE ORDER**

- 1.1 The Compulsory Purchase Order relates to the compulsory acquisition of lands at Glanmire, County Cork by Cork City Council. It is stated in the Schedule to the Order that the lands consist of land other than land consisting of a house or houses unfit for human habitation and not capable of being fit for human habitation at reasonable expense. It is further stated that the local authority is authorised to acquire compulsorily the lands for the purposes of performing its functions under the Planning and Development Acts, 2000-2018 including giving to and facilitating the implementation of the County Development Plan. The lands to which the Order relates are subdivided into Areas A - G.
- 1.2 In July 2018, Cork County Council secured Part 8 planning approval for a group of road improvement and sustainable transport projects in Glanmire. The proposed acquisition is intended to support the delivery of Phase 1 works which form part of the approved projects. The application to the Board includes a report setting out the background to the proposed Compulsory Purchase Order. It is submitted that the scheme seeks to address significant infrastructural constraints in Glanmire and also to facilitate the development of zoned lands for housing.
- 1.3 It is noted that, following Cork City's boundary extension in May 2019, responsibility for the delivery of the project is transferred to Cork City Council from Cork County Council.

## **2.0 OBJECTIONS TO COMPULSORY PURCHASE ORDER**

- 2.1 **Objection by Michael O'Connor Motor Factors – Area A: Refs. 2(A) and 2(B)**
- 2.1.1. The objection relates to the compulsory acquisition of the lands identified as Plot 2(A) and the temporary acquisition of the lands identified as Plot 2(B).

2.1.2. The objection is on the basis that Michael O'Connor Motor Factors is the occupier of these lands by virtue of constant use over a period of 30 years as well as there being a public right of way over the lands.

2.1.3. It is submitted:

- The works will reduce both the number of parking spaces in Glanmire Business Park and the width of roadway within the Business Park.
- The reduction in the number of parking spaces will have a significant negative impact on the businesses based in the Business Park and nearby businesses where customers also use the parking spaces.
- The reduction in the width of the roadway within the Business Park will impede trucks making deliveries to businesses, will reduce the turning area associated with parking spaces, and will create a serious health and safety risk by increasing the likelihood of an accident. Students from nearby Coláiste an Phiarsaigh walking through the car park would also be at an elevated risk.

## **2.2 Objection by Clyda Eco Homes Limited – Area B: Ref. 15, 16(A) and 16(B)**

2.2.1. The objection relates to the compulsory acquisition of the lands identified as Plots 15 and 16(A) and the temporary acquisition of the lands identified as Plot 16(B).

2.2.2. The Objector welcomes the Glanmire Road Improvement Scheme proposal for a Glanmire & Riverstown Greenway but submits:

- The proposed greenway connectivity through the south-eastern portion of the lands is inappropriate in view of their regeneration site / town centre use zoning.
- There is a failure to have any regard for the future development potential of the lands.

- The severance resulting from the proposal would impact on the future development potential of the site.
- There is no policy provision or support for a greenway on these lands.
- A route to the south of the town centre zoning on unzoned lands would be more appropriate and would protect the future development potential of the site as a whole.

2.2.3. The Board is asked to modify the compulsory purchase order and relocate the proposed greenway connection to more appropriate lands in the southern portion of the site.

### 2.3 **Objection by Breda Kenny - Area F: Ref. 30(A) and 30(B)**

2.3.1. The objection relates to the compulsory acquisition of the lands identified as Plot 30(A) and the temporary acquisition of the lands identified as Plot 30(B).

2.3.2. The Objector submits that the effects of the compulsory acquisition would be:

- Loss of neighbourly assistance by the taking of adjacent property;
- Loss of security by taking of adjacent property, leaving the objector's property more vulnerable with regards to security;
- Anti-social behaviour arising from the introduction of a footpath and the creation of a number of fallow plots, as well as a "dead end" nearby;
- Loss of structures which include the loss of a natural stone wall, a side boundary wall, entrance pillars and gates, a gravelled driveway, side hedging, security fencing and garden lighting;
- Loss of garden amenity through loss of garden landscaping and lawn area and the inability to have a functional garden to the front of the property;
- Loss of land affecting drainage, reorientation of the property, a relocated entrance, the value of the remaining property, and property rights;

- Loss / disturbance of services during the construction phase;
- Structural damage to the property arising from construction activity;
- Loss / disturbance of access during the construction phase;
- Health impact from dust, and reduction in air quality, natural light, and noise, resulting in creation of stress;
- Non-specific detail available on the design, specifications and implementation to afford the Objector the opportunity to make further meaningful objections;
- A combined footpath and cycleway having little benefit to the Objector, resulting in a loss of privacy and security; and
- Changes to vehicular traffic by removing a bend in the road and increasing traffic speed, increasing noise and associated pollution, increasing the volume of traffic on the road, bringing the road closer to the property, and impacting on the structural integrity of the property.

## **2.4 Objection by Michael Kenneally - Area F: Ref. 31(A) and 31(B)**

2.4.1. The objection relates to the compulsory acquisition of the lands identified as Plot 31(A) and the temporary acquisition of the lands identified as Plot 31(B).

2.4.2. The Objector submits:

- The road upgrade constitutes an undue interference with the livelihood of the Objector, with the lands forming part of a working farm.
- The extent and amount of land being sought is unnecessary, exorbitant, and will interfere unnecessarily with the Objector's livelihood.
- The land sought is excessive for the construction of the roadway and no explanation has been given for the large extent sought. The provision for multiple margins, footpaths and cycle lanes varies along the proposed road, being at the maximum in the area of the Kenneally lands.

- No adequate provision has been made for access to the retained land to enable the continued use of those lands and for the purposes for which it is currently used and may be used in the future. No adequate provision has been made to minimise the damage suffered.
- The proposed works and land acquisition are in close proximity to the Objector's dwelling and no specifics have been furnished on how it is proposed to protect the dwelling from noise, vibration, illumination or other forms of pollution during works and into the future.
- There is no explanation on how it is proposed to restore roadside walls, fencing and entrances which will be affected.
- There is a failure to take account of an existing watermain and wayleave for same under the lands and no arrangement for the location of same.
- No accurate position, depth and proposed realignment have been provided for the trunk watermain.
- No reference is made to the existing gas main situated in the roadway and to any relocation of same.
- The extent of acquisition is inequitable by comparison to the proposed acquisition from landowners on the opposite side of the road and on lands to the north where combined footpaths and cycle lanes are to be provided.
- The acquisition will constitute a security risk for the Objector and his family.
- The acquisition will sever at least two entrances currently enjoyed by the Objector and there is no adequate method provided for provision of such access in the acquisition. The land take stops abruptly at the main entrance to the farmyard and dwelling, presenting serious difficulty and a safety risk for public use of the new public road and for the Objector's business and private use of their entrance and access gate.
- The land take makes no adequate provision for setbacks and splays to facilitate movement of farm machinery and vehicles at the entrances.
- Sections produced through the road do not give adequate information on vertical alignment for the impact of the road on the farm in terms of noise, security and access over altered levels and gradients.

- The drawings provide insufficient detail to the Objector to assess the impact of works on drainage from the works and affected lands.
- The lands are the subject of litigation with Cork County Council (High Court Record No.: 2013/5221P).

### **3.0 SITE INSPECTION AND DESCRIPTION OF LANDS**

3.1 I inspected the site on 17<sup>th</sup> June 2020 and on 19<sup>th</sup> January 2021.

3.2 The lands the subject of the Compulsory Purchase Order are located within and in the vicinity of Glanmire to the east of Cork City. They include lands to the front and rear of residential properties and commercial properties within built-up urban locations, access paths, agricultural lands, commercial parking areas, and amenity and recreation lands. Part 1 of the Schedule submitted in the application to the Board describes the lands to which the Order relates.

3.3 With regard to the lands associated with the objections received by the Board, the following is noted:

#### **3.3.1. Michael O'Connor Motor Factors – Area A: Refs. 2(A) and 2(B)**

The land area of Plot 2(A) comprises a 3.3m<sup>2</sup> narrow strip forming the outer edge of a car parking area which adjoins the public road frontage at the southern end of Glanmire Business Park. The area to be temporarily acquired (Plot 2(B)) is a 32.5m<sup>2</sup> strip comprising parking spaces. Michael O'Connor Motor Factors occupies premises immediately to the south-east, separated by the internal access road running through the business park. The property boundary with the adjoining public road comprises a low natural stone wall.



### **3.3.2. Clyda Eco Homes Limited – Area B: Ref. 15, 16(A) and 16(B)**

Plot 15 comprises a 79m<sup>2</sup> narrow strip adjoining the southern side of the public road. Immediately behind the public footpath at this location is a high natural stone wall. A line of mature deciduous trees lies immediately behind this wall. The land area to the south comprises John O'Callaghan Park, a primary public recreation and amenity space in Glanmire.

Plot 16(A) comprises a strip of land consisting of an area of 1203.9m<sup>2</sup>. Plot 16(B), the lands to be temporarily acquired, is 1077.6m<sup>2</sup> in area and abuts and runs parallel to the lands proposed to be permanently acquired. The lands run in a north/south direction immediately west of East Cliffe Road for a distance of approximately 80 metres and then south-westwards as far as the Glashaboy River. The public roadside boundary comprises high natural stone and block walls. The land inside the wall includes a yard space and open green areas with some vegetation throughout.

### **3.3.3. Breda Kenny - Area F: Ref. 30(A) and 30(B)**

Plot 30(A) is a 90.2m<sup>2</sup> area comprising part of the front garden of an existing bungalow. The area to be temporarily acquired (Plot 30(B)) is 112.7m<sup>2</sup> in area and also comprises front garden area of the house that is inside the proposed permanent acquisition lands. The boundary with the public road comprises a low natural stone wall that is backplanted with a hedgerow. This plot is bounded to the north by a two-storey house (Plot 29) and a single-storey house (Plot 28) south of an existing road junction.

### 3.3.4. Michael Kenneally - Area F: Ref. 31(A) and 31(B)

Plot 31(A) comprises a 2316m<sup>2</sup> strip of land on the east side of a local road. The plot to be temporarily acquired (Plot 31(B)) is 777.2m<sup>2</sup> in area and is to the east of the proposed lands to be permanently acquired. The roadside boundary consists of a low natural stone wall that is overgrown in parts. The land inside the wall comprises part of a field in agricultural use. The northern end of the strip includes a gateway into the land, which is a protected structure, and the southern end abuts the entrance to the landowner's farmyard. There is linear housing along the west side of the road at this location and an entrance into a residential estate (Woodville).

## 4.0. REPORT ON ORAL HEARING

An Oral Hearing was held on 27<sup>th</sup> January, 2021.

**Note:** All of the proceedings at the Oral Hearing are recorded and the recording is available on the Board's network. What follows below is a brief outline of the proceedings. This outline is proposed to function as an aid in following the recording.

### ***Representation on Behalf of Parties***

#### For Cork City Council:

Mr. Esmonde Keane SC

Mr. Eoin O'Mahony, Regional Director, AECOM

Mr. Ronan Mac Kernan, Senior Executive Planner, Cork City Council

Ms. Edith Roberts, Senior Engineer, Cork City Council

For Michael O'Connor Motor Factors

Mr. Michael O'Connor

Mr. Frank O'Mahony, Consultant Engineer

For Breda Kenny

Mr. Derek Kenny

Mr. Peter Mounsey, Solicitor

For Michael Kenneally

Mr. Michael Kenneally

Mr. Dan Cronin BL

Mr. Jack Cahill, Consulting Engineer

For Clyda Eco Homes Limited

Mr. Barry Coleman

Mr. Harry Walsh, Planning Consultant

**Submissions on behalf of Cork City Council**

Mr. Keane noted that the road scheme had already been subject to Part XI of the Planning and Development Act and through the Part 8 process and that this had not been challenged. It was stated that it was not intended to revisit these matters. He introduced the contributors to the hearing on behalf of Cork City Council.

Mr. Eoin O'Mahony gave the City Council's response to each of the four Objections received by the Board. A synopsis of the submission includes the following:

### *Response to Michael O'Connor Motor Factors*

- The design was revised following the objector's submission at the stage of the Part 8 planning process – a pedestrian crossing was relocated and the alignment of shared pedestrian and cycle path was moved, thus reducing the proposed land required opposite the objector's unit.
- There would be no permanent loss in car parking.
- There would be no permanent or temporary reduction in width of the roadway opposite the unit.

### *Response to Breda Kenny*

- The scheme's provisions were detailed which sought to address the objector's concerns relating to impact on neighbourly assistance, security, anti-social behaviour, new structures, garden amenity, loss of land, disturbance of services, structural damage, disturbance of access, health impact, and traffic impacts.

### *Response to Michael Kenneally*

- Where compensatable damages are suffered as a result of a CPO there is a separate process for this. The existing roadside boundary wall collapsed and there is uneven ground where rubble functions as a sterilized strip.
- The extent of land required is to provide for needed pedestrian and cyclist facilities.
- All accesses will be retained within the scheme.
- A range of noise and vibration measures will be applied as mitigation. The lighting will meet road design standards.
- Roadside walls, fences and entrances will be restored like-for-like.
- The scheme has taken account of the watermain and wayleave and there is an understanding of the position, depth and alignment of the watermain.
- The scheme has taken account of the gas main and the alignment will not be changed.

- The cross section required is less than lands to the north as the objector's lands are located much closer to the road.
- With boundary walls replaced and lighting provided, there is no increased security risk.
- The entrance will be safer as the boundary wall will be set back and pedestrian and cyclist facilities will be provided. Visibility splays will be improved.
- The level of detail of the design was available as part of the Part 8 process and this is typical for a project at this stage.

*Clyda Eco Homes Ltd.*

- Glanmire Flood Relief Scheme proposes the objector's site to continue to act as part of the floodplain.
- The alignment of the greenway was selected to provide for more direct connectivity, minimizing visual, amenity and floodplain impacts.
- The objector's alternative location would have negative visual and amenity impact on the confluence of the Butlerstown and Glashaboy Rivers, placing the bridge and earthworks closer to the confluence, requiring a longer bridge span. The alternative would be less direct and would have undermining impacts on the floodplain.
- It is noted that the scheme has previously been approved.

Mr. Ronan Mac Kernan addressed the zoning and severance concerns arising from the Clyda Eco Homes Ltd. objection. This submission may be synopsised as follows:

- The incursion would be minor, with a negligible impact on the development potential of the town centre uses on the land.
- There is no impediment to developing part of the proposed scheme within a town centre zoning. Increased connectivity is welcomed and can enhance the setting of potential development.
- The route approved under Part 8 has not been subject to legal challenge.

- The development is consistent with relevant development plans and local area plans, as well as national policies and guidelines.
- The lines indicated in the Cobh MD LAP are a high level indication of the route, are indicative and subject to change once the route has been subject to Part XI/Part 8 approval.
- The report of the Chief Executive in relation to a submission made at the time of the preparation of the Draft LAP did not preclude interventions on the lands zoned Town Centre and did not affect the approval of the Council of the development as proposed.

Following these submissions, the responses to a number of questions raised by the Inspector were given by Eoin O'Mahony, Edith Roberts and Ronan Mac Kernan as follows:

- The “Glanmire Road Improvements and Sustainable Transport Works” documents by Aecom comprise the publicly accessible documentation that gives an overview of the road improvement works for Glanmire.
- The proposed development is Phase 1 of the development set out in this strategy document, covering 10 of the 16 projects within the strategy. The remaining projects form Phase 2 and will occur at another time following further CPOs and other procedures.
- The drawings presented at the Part 8 stage of the process are the relevant design drawings for the scheme with minor modifications that will be picked up during the development process.
- As part of the scheme, it is proposed to remove high natural stone walls and mature trees planted behind these walls in a number of locations. Examples confirmed were at Plots 1, 7, 8, 9 and 15.
- The preliminary design and options development phase considered options such as junction improvements, on-road versus dedicated greenway alternatives, and various alignment options. There is no publicly

accessible document available detailing the alternatives considered or the reasons for the route selection. The Part 8 application presented the proposed scheme itself.

- The content of Tables 3.3.2 and 3.3.3 of the Cobh Municipal District Local Area Plan referring to the Dunkettle Ballinglanna Road Improvements directly relate to the Glanmire Road Improvement Scheme.
- The restoration of walls and fences proposed to be restored on Mr. Kenneally's land would be on a like for like basis. The walls would be stone walls, replaced to heights of between 1.2 and 1.5 metres. The existing stone would be used.

### **Submissions on behalf of Michael O'Connor Motor Factors**

Mr. Frank O'Mahony noted that a strip of parking space up to 1m in width would be permanently removed. He submitted that car parking would be lost as a result and stated that revisions to a bus layby in the vicinity could have addressed this issue. Concerns about the impact on employee parking and truck movements within the business park were referenced. He further noted that there were no drawings available showing parking provisions to be made with the proposed scheme.

Mr. Michael O'Connor reiterated his concerns relating to the demand for parking at this location and the loss of parking spaces arising from the scheme.

The local authority, in response to questioning relating to parking loss and demonstration by way of drawings showing what will be provided at this location, re-stated that there would be no permanent loss of parking at the location of Plot 2 and submitted there would be temporary acquisition (Plot 2B) which would temporarily impact on parking. It was submitted that the land to be permanently acquired would be up to 1m in width and 9m in length and that there would be sufficient space left to provide for the parking spaces affected. It was stated that

the drawings relating to the Part 8 process are those that are available but they do not categorically show the parking provisions to be made. It was stated that the Land Liaison Officer would demonstrate to Mr. O'Connor how parking would be provided.

Mr. O'Mahony, on behalf of Mr. O'Connor, submitted that the effects of the proposal would be to reduce the width of the internal road, impacting on vehicular movement and truck turning. It was reiterated that it had not been demonstrated in drawings what the outcome would be.

### **Submissions on behalf of Breda Kenny**

Mr. Derek Kenny introduced Mr. Peter Mounsey. Mr. Mounsey stated that agreement had been reached with Breda Kenny and that her objection was being withdrawn. It was submitted that written confirmation of the withdrawal of objection would be forwarded to the Board.

### **Submissions on behalf of Michael Kenneally**

Mr. Cronin introduced Mr. Cahill to address the objector's principal concerns.

Mr. Cahill raised a number of issues which may be synopsisized as follows:

- The proposed scheme is in two phases, with the current development comprising Phase 1 and for which there are no details on Phase 2.
- The CPO finishes to the north of the objector's farm entrance and there is no detail on this main entrance. The safety treatment of this entrance is essential.
- The separate cycle and pedestrian provision along this section is the only location for such design in the scheme.



- A pedestrian entrance is required to be reinstated to the left of the main entrance.
- The entrance to the north is a protected structure and the area forward of it is used for parking, set down and turning for milk trucks. This entrance is used occasionally.
- There is an existing watermain with a 10m wide wayleave. If this needs relocation with its associated wayleave this requires to be known.
- The replacement roadside wall requires to be to a height of 1.6m.
- Street lighting is required to be designed to avoid light pollution.

Mr. Cahill submitted that the scheme should include both sides of the main farm entrance to avoid a second impact on this entrance, that detailed design of this entrance was required, the provision of the cycle lane should be omitted and a combined pedestrian/cycle path provided, and that provision should be made at the gate at the northern end to accommodate trucks associated with the farm activities.

Mr. Kenneally noted the lengthy period over which he has been in consultation with the local authorities over the lands at this location. He reiterated his concerns relating to the existing watermain on his land, the access to the farm, the lack of detail provided by the local authority, the necessity for a higher wall, and the effects of noise and light pollution on his farm animals.

In response, the local authority submitted:

- The main entrance to the farm would not be made wider.
- There is a need for the pedestrian and cycleway provisions at this location based on use and future use of the road.
- Phase 2 will continue with this provision to the south of the objector's main entrance.

- The details to be proved at the northern entrance would be agreed through the Land Liaison Officer and alternative facilities could be looked at.
- The available funding for the scheme has resulted in the Objector's lands being split into the two phases associated with the scheme. There is a need to provide for a pedestrian crossing at the end of Phase 1 so Phase 1 ends as designed. The CPO continues to the main farm entrance. It is possible to take that part of the lands as far as the proposed pedestrian crossing. Details at the main entrance would form part of Phase 2. The Phase 2 works are included in the Part 8 approval. If the works stopped in the vicinity of the pedestrian crossing there would still be a requirement for accommodation works at this location and these would go beyond the crossing location. It is considered more appropriate to continue with the CPO as proposed.
- The extent of use and the nature of the use of the northern entrance as set down area associated with the farm were queried.
- Traffic calming is being provided at and in the vicinity of these lands.
- The Council is satisfied that it has the details of the layout of the watermain at this location.
- If there is disagreement on the proposed replacement wall height this is a matter to be addressed by way of compensation.
- The lighting provisions will comply with modern road scheme standards.

Cross questioning included consideration of issues relating to available sightlines at entrances, clarity on this being the only location where there is separate pedestrian and cycleway provisions within Phase 1, and the relevance of determining the height of the relocated roadside wall in the context of modifications that may be considered by the Board having regard to the local authority's response and the next phase of the scheme.

In a further submission nearing the end of the hearing, Mr. Cahill referred to the lack of details on sightlines at the objector's entrances, the lack of understanding

on the timing of the implementation of the scheme, the cycle lane design being developed in short sections and not being an orderly design, and to traffic calming measures referenced in the area of the objector's lands being at some distance, such as the proposed traffic lights further north.

### **Submissions on behalf of Clyda Eco Homes Limited**

Mr. Harry Walsh stated that the objector had no objection in principle to the proposed greenway in the area. He submitted that there was no specific policy support for the routing of this scheme through the objector's lands. It was stated that the 'Town Centre' zoning should be preserved as much as possible for town centre uses. It was submitted that the area south of this zoning should be used for public realm improvements and what is proposed ends up with a severed section of land that would be unusable. He questioned what was the route selection / feasibility assessment undertaken for the options for the bridge and pedestrian provisions along the East Cliffe Road.

Mr. Coleman restated that there was no objection in principle to the scheme. He submitted that there would be a major section of land that would be severed and left unusable and that the solution to this had been set out in the objection.

The local authority in response submitted that the Part 8 approval had been made and that no challenge had been made to this. In relation to route options at this location, it was submitted that a route south of that proposed was considered and the reason for not selecting it related to having pedestrians being brought closer to traffic for a longer distance, connectivity and directness with schools and those which the scheme would serve, the amenity value and avoiding the confluence of the rivers, and the issue of the floodplain and the capacity to function in this location. It was submitted that no route feasibility report is publicly available at this time. It was accepted that severance would occur but that this was considered to be minor, with the best option being provided.

Mr. Walsh noted that the issue of land use zoning did not form part of the assessment process at this location.

### **Concluding Remarks**

Mr. Walsh, for Clyda Eco Homes Ltd., again noted there was no objection in principle to the scheme and submitted there should be no severance of the zoned lands at this location. It was further submitted that there was no route selection process to demonstrate that the best route had been selected.

Mr. Cronin, for Mr. Kenneally, stated that the submissions made show that there are *bona fide* grounds to the objections. It was submitted that modifications should be considered at this stage, that the objector has been dealing with the issue for many years, and the implementation period for the scheme is a concern.

Mr. O'Mahony, on behalf of O'Connor Motor Factors, stated that he had nothing further to add.

Mr. Keane, on behalf of Cork City Council, gave a brief overview of the local authority's responses to the objections received. It was acknowledged that the scheme had been subject to Part XI and Part 8 processes and that these had not been subject to challenge. It was accepted that the scheme would impact on the objectors' properties but that this was necessary. It was submitted that the need for the land take had been demonstrated for both phases of the scheme and that both phases were subject to the Part 8 process. It was acknowledged that modifications to the scheme could not extend south of the southern entrance to Mr. Kenneally's lands. Reference was made to the provisions under Section 213(3)(a) of the Planning and Development Act in relation to lands not

immediately required. It was submitted that the scheme provided for no more than is reasonably required and is in accordance with the proper planning and sustainable development of the area.

The Hearing was then formerly closed.

### **Prepared Submissions Received**

The following is a complete schedule of copies of prepared submissions to the Oral Hearing and received by the Inspector:

#### ***Applicant's Submissions***

1. Mr. Eoin O'Mahony – Brief of Evidence
2. Set of Drawings accompanying Mr. O'Mahony's Brief of Evidence
2. Mr. Ronan Mac Kernan – Brief of Evidence

#### ***Objectors' Submissions***

From Mr. Cahill on behalf of Mr. Kenneally:

- AECOM Draft Drawings
- Land Registry Folio Details – Folio No. CK21268
- Land Registry Folio Details – Folio No. CK59099
- 2021 Photographs
- 2010 Photographs

## **5.0. ASSESSMENT**

### **5.1. Introduction**

5.1.1 The principal issues relating to the compulsory acquisition of the lands under the Board's consideration are the community need for the proposed scheme, the suitability of the lands to meet the development's needs, compatibility with development plans and public policy, the consideration of alternatives, the scale and location of the land acquisition, and the requirement for all lands included in the CPO. Prior to examining these issues of principle, it is proposed to provide an overview of the purpose of the proposed road improvement scheme and to assess the impacts of the scheme in relation to the objections received by the Board.

### **5.2. The Proposed Scheme**

5.2.1. The application details submitted to the Board provide limited information on the purpose of the Glanmire Road Improvements Scheme. I note from the Oral Hearing that the applicant has clarified that the development has previously been subject to Part XI and Part 8 processes and that the information publicly available in the Part 8 process provides the currently available design and associated documentation on the approved scheme. The documents contained in the Part 8 planning application included:

- Glanmire Roads Improvements and Sustainable Transport Works Part 8 Planning Application report,
- Preliminary Design Drawings,
- Report to Inform Screening for Appropriate Assessment,
- Ecological Impact Assessment,
- Outline Construction Environmental Management Plan,

- Archaeological and Built Heritage Assessment of the Proposed Glanmire Road Improvements and Sustainable Transport Works, and
- Flood Risk Assessment.

5.2.2. I note from the Planning Report that there was consultation carried out with a range of prescribed bodies, non-prescribed bodies and consultees in advance of the Part 8 application.

5.2.3. The Glanmire Road Improvements Scheme involves a suite of measures to improve the accessibility, sustainability, capacity and safety of the transport network in the Sallybrook, Glanmire and Riverstown areas to the east of Cork City. It consists of a schedule of 16 proposed projects. These are as follows:

- Project No. 1 Church Hill Junction;
- Project No. 2 Banning Right Turn at Dunkettle Slip Road;
- Project No. 3 Glanmire Bridge/Village (Incorporates P17);
- Project No. 4 Riverstown Junction;
- Project No. 5 Signalised Junction Glanmire Road/Hazelwood Road;
- Project No. 6 Signalised Junction Riverstown Road / East Cliff Road;
- Project No. 7 Riverstown Bridge;
- Project No. 8 New Link Road (L3010 to Hazelwood Road);
- Project No. 9 L2999 Dunkettle Road;
- Project No. 10 Flaring at Tivoli Roundabout;
- Project No. 12 R615/R639 Junction;
- Project No. 13 Brook Inn Junction;
- Project No. 14 Footway Improvements Fernwood to Riverstown;
- Project No. 15 Glanmire & Riverstown Greenway;
- Project No. 16 New Pedestrian & Cycle Bridge adjacent to existing Glanmire Bridge;
- Project No. 20 East Cliff Road Pinch Point.

- 5.2.4. The scheme would deliver a greenway for the Glanmire area, being 2km in length and connecting up 5 schools in the area on a continuous 4 metre path which would be mostly off road. A 3 metre shared footpath and cycleway is also proposed connecting the Greenway at Glanmire village via the Dunkettle Road to cycle facilities proposed as part of the Dunkettle Interchange and on to Tivoli Roundabout. From here there are proposals to link to both Cork City and Youghal in accordance with the Cork Cycle Network Strategy.
- 5.2.5. In relation to public transport provisions, the capacity of junctions is being increased to reduce delays and improving bus journey times through the area. Bus stops and footpath improvements are intended to make it easier to use the services and an increased frequency is seen to be possible due to a reduction in congestion.
- 5.2.6. Historic walls impacted by the scheme have been assessed in relation to their condition and heritage value in the Archaeological and Built Heritage Assessment. It is intended to minimise impact on high quality historic walls if possible. However, where boundary walls are required to be removed, it is intended that they will be replaced. Where walls associated with historic demesnes are required to be removed, the type and nature of replacement are proposed to be agreed with landowners and the Heritage Officers of Cork County Council at the detailed design stage. Some trees are proposed to be felled as part of the project and are proposed to be replaced like with like.
- 5.2.7. Funding has been secured from the Local Infrastructure Housing Activation Fund (LIHAF) for the Glanmire area to address significant public infrastructure deficits and where the lack of infrastructure is considered to have hindered the development of housing.
- 5.2.8. The road improvement scheme has been designed in accordance with the following guidance and standards:



- Design Manual for Urban Roads and Streets (DMURS),
- Design Manual for Roads and Bridges (DMRB), and
- National Cycle Manual.

5.2.9. The Part 8 Planning Application Report provides a description of each of the proposed 16 projects.

5.2.10. I acknowledge that new housing has been permitted in the Glanmire area at Ballinglanna by An Bord Pleanála, which increases the demand for travel in the area. The scheme seeks to provide for the demand arising and to significantly improve traffic conditions and connectivity for the wider community of Glanmire.

5.2.11. The scheme is proposed to be delivered in two phases. Phase 1 comprises those projects to which the CPO relates, making up 10 of the 16 projects forming the overall scheme (Projects 1, 3, 4, 5, 6, 7, 8, 9A, 14, and 15). I note that the Part 8 process is completed for both phases of the scheme.

5.2.12. Notwithstanding the public availability of information on the approved scheme, I note a number of limitations on information. Firstly, it is acknowledged that the level of information available on the scheme remains at the preliminary design stage. Thus, when assessing the land take implications for each of the objections received, the final design is not completely understood at this stage. Further to this, I note that there are no publicly available reports or other such documentation on alternatives considered or on route selection / options feasibility assessment.

### 5.3. **Objections**

#### 5.3.1. **Michael O'Connor Motor Factors – Area A: Refs. 2(A) and 2(B)**

Plot 2 is the relevant plot associated with this objection. This plot falls within Project 1 of the overall scheme, described as 'Church Hill Junction'. This project provides for a new right turn lane from the R639 and includes setting back the boundary wall of Coláiste an Phiarsaigh, providing wider footpaths and a new footpath on Church Hill, relocating bus stops, and providing bus laybys and a pedestrian crossing.

Plot 2 is on the east side of the public road. Plot 2(A) comprises a 3.3m<sup>2</sup> narrow strip forming the outer edge of a car parking area which adjoins the public road frontage at the southern end of Glanmire Business Park. Plot 2(B), the area to be temporarily acquired, is a 32.5m<sup>2</sup> strip comprising parking spaces. The objector's premises lies immediately to the south-east, separated by the internal access road running through the business park.

The Objector's concerns relate to the reduction in the number of parking spaces in the Glanmire Business Park and the reduction in the width of roadway within the Business Park. It is submitted that this results in a negative impact on the businesses based in the Business Park and nearby businesses where customers also use the parking spaces. It is also seen to impact on truck movements and deliveries.

I note the overall works proposed which form Project 1 and I accept in principle the positive outcome that is in the interest of the proper planning and sustainable development of this area by the delivery of enhanced vehicular and pedestrian infrastructure. I submit that the permanent land take associated with the scheme comprising Plot 2 is minor, being only up to one metre in width and for a length of approximately 9 metres. The local authority has been definitive in the outcome of

the scheme at this location, stating no car parking spaces will be lost on a permanent basis. I accept that there would be a temporary land take which would result in a temporary loss of parking at this location. This is unavoidable if the scheme is to be developed as proposed. I do not accept that the temporary loss of car parking is a concern for the functioning of adjoining business premises and any adverse impact would be short term.

I note the preliminary design stage at which the scheme is at and the lack of definitive design drawings that could demonstrate to the Objector the finished parking layout and the impact on the internal road at this location. However, it is evident that the permanent land take would have a marginal and peripheral impact on the few car parking spaces that would be affected. Furthermore, it is apparent that vehicular movement and turning arrangements should not be greatly impeded by the minor intrusion into the internal road arising from the acquisition and the realignment of parking spaces. There is ample width to accommodate the proposed changes. I acknowledge that the local authority has indicated that a Land Liaison Officer will demonstrate to the Objector how parking would be provided.

I am satisfied to conclude that the scheme at this location can be satisfactorily provided without any significant adverse impact on established parking and the functioning of the internal road serving Glanmire Business Park. I am satisfied that any unforeseen adverse impact arising would be appropriately addressed as a matter for compensation, which is beyond the scope of the Board's considerations.

### **5.3.2. Clyda Eco Homes Limited – Area B: Ref. 15, 16(A) and 16(B)**

Plots 15 and 16 are the relevant plots relating to the Objector's landholding. It is noted that the objection is against the compulsory acquisition of Plot 16. Plot 15 comprises a 79m<sup>2</sup> narrow strip adjoining the southern side of the public road.

Immediately behind the public footpath at this location is a high natural stone wall. A line of mature deciduous trees lies immediately behind this wall. Plot 16(A) comprises a strip of land consisting of an area of 1203.9m<sup>2</sup>. Plot 16(B), the land to be temporarily acquired, is 1077.6m<sup>2</sup> in area and abuts and runs parallel to the lands proposed to be permanently acquired. The lands run in a north/south direction immediately west of East Cliffe Road for a distance of approximately 80 metres and then south-westwards as far as the Glashaboy River. The land includes a yard space and open green areas with some vegetation throughout.

Plot 16 would form part of the proposed greenway and ties in with Project 6 of the overall scheme, described as 'Signalised Junction Riverstown Road / East Cliff Road'. This project would provide for an improved layout at the L3010/East Cliff Road junction, with the junction being signalised to include for the connection to Project No. 8, which involves a New Link Road from L3010 to Hazelwood Road. Kerbs and footways would be realigned and resurfaced to improve conditions for pedestrians and cyclists at the junction. A section of the greenway would be on the west side of East Cliffe Road southwards from the junction and it would cross the Objector's landholding in a north-east / south-west direction.

I acknowledge that the Objector welcomes the Glanmire Road Improvement Scheme's proposal for a Glanmire & Riverstown Greenway. The concerns relate to the routing of the greenway through this part of the holding which is zoned 'Town Centre', the severance arising for the future development of the site, and the lack of policy support for the greenway on these lands. It is submitted that the route could be provided further south of this location and beyond the town centre zoned lands. The Board is asked to modify the compulsory purchase order and relocate the proposed greenway connection to more appropriate lands in the southern portion of the site.

I first note that the Board cannot request a modification to the scheme which would fall outside of the proposed CPO land take for the scheme. Therefore, a modification which requires the re-routing of the proposed greenway southwards in this general area and beyond the lands associated with the Compulsory Purchase Order is not an option for the Board.

I acknowledge the Objector's concerns relating to the lack of any information on the consideration of alternative routing at this location and the failure to demonstrate that there was a route selection / feasibility assessment undertaken. The local authority has reiterated that the scheme has previously been approved through the Part 8 process and this is acknowledged. It was also submitted at the Oral Hearing that route options were considered at this location and that a route south of that proposed was not selected for reasons relating to pedestrians being brought closer to traffic for a longer distance, connectivity and directness with schools and those which the scheme would serve, the amenity value and avoiding the confluence of the rivers, and the issue of the floodplain and the capacity to function in this location.

I acknowledge that the greenway would provide for a reasonable tie-in with Project 6 as proposed, reducing the length of routing parallel to the public road, while at the same time not pursuing an earlier tie-in which would likely sever a greater extent of the Objector's landholding. I also note that the proposal to relocate the route southwards would bring the greenway substantially closer to the confluence of the two rivers at this location, namely the Glashaboy and Butlerstown Rivers. In my opinion, any re-routing southwards would have to be very marginal due to the proximity of the confluence, which would likely necessitate more substantial infrastructural provisions, inclusive of changes to the bridging over the river as it approaches the confluence. I do not consider that this marginal change would substantially lessen the take within the 'Town Centre' zoned lands as the proposed routing goes through the south-easternmost extremity of the Objector's lands that are zoned 'Town Centre'. In my opinion,

relocation further south could not be construed as being in the interest of proper planning and sustainable development of this area in such a sensitive riverside location.

I accept that the routing as proposed would result in a severance of the Objector's landholding at this location. The south-eastern corner of the holding would be cut off from the remainder of the holding by the routing of the greenway at this location. Most of this south-eastern corner falls within Flood Zone A as defined in the Glanmire plan which forms part of the Cobh Municipal District Local Area Plan. The developability of this small remaining plot may be called into question given its siting within the floodplain of the Glashaboy River and its immediate proximity to the confluence with the Butlerstown River. I submit that the routing as proposed is appropriate and again note that it has previously been approved under the Part 8 process. The impact on the 'Town Centre' zoned lands can reasonably be determined to be marginal. The impact by way of severance may be a matter to be addressed by way of compensation which is beyond the scope of the Board's considerations.

I note that the Objector submits that there is no public policy support for the routing of the greenway at this location, while welcoming the development of the Glanmire & Riverstown Greenway. In response to this, I accept that the Local Area Plan does not expressly include for a greenway traversing this landholding. However, I must acknowledge the objectives in the Plan for developing a link to the north of the L3010/East Cliff Road junction (Objective GM-U-04), the proposal to provide for a pedestrian walk through open space along the Glashaboy River to the west and south-west (Objective GM-U-02), and the proposal to complete and maintain the pedestrian walk to Glanmire Community College (Objective GM-U-01). Furthermore, I note the provisions of Objective GM-GO-08 of the Local Area Plan, wherein it is an objective that a network of designated walking and cycling routes be established to provide safe, convenient and pleasant routes between the town's main residential areas, schools and town

centres. The component of the scheme crossing the Objector's lands clearly forms an integral link with the specific amenity / greenway proposals and may reasonably be understood to be consistent with the provisions of Objective GM-GO-08 of the Local Area Plan.

Finally, it is once again acknowledged (as the local authority has submitted) that the route through these lands has been approved under Part XI and Part 8 and this approval has not been challenged. Overall, I consider that it is reasonable to determine that the proposed routing through the Objector's lands is in accordance with the proper planning and sustainable development of the area.

#### **5.3.3. Breda Kenny - Area F: Ref. 30(A) and 30(B)**

Plot 30 is the relevant plot associated with this objection. This objection was withdrawn at the Oral Hearing and the Objector has confirmed this withdrawal in writing.

#### **5.3.4. Michael Kenneally - Area F: Ref. 31(A) and 31(B)**

Plot 31 is the relevant plot associated with this objection. This plot falls within Project 9 of the overall scheme, described as 'L2999 Dunkettle Road'. This project seeks to upgrade the L2999 Dunkettle Road. From Glanmire Village to the Ballinglanna development a 3m shared use footway/cycleway, a 6.5m carriageway and a 2m footway is being developed. From the Ballinglanna Development to Gaelscoil Uí Drisceoil at Dunkettle a wider cross section consisting of a 2m footway either side of the carriageway, a 3m segregated cycle track, a 6.5m carriageway and 1m verge either side of the carriageway would be provided. The Objector's plot falls within this area. Pedestrian/cyclist crossings would be provided at various locations to improve safety for all road users.

Boundary walls would be relocated to facilitate the project. Most of the land acquisition is on the eastern side of the L2999 Dunkettle Road. Two residential properties close to Caherlag Junction (to the north of the Objector's plot) have been acquired to deliver this project.

Project 9 would be developed over the two phases of the overall scheme. The northern section of Plot 31 falls within Phase 1 of the road improvement scheme. Phase 1 ends approximately 70 metres south of the northernmost end of this plot where a new pedestrian crossing would be developed on the road. The lands south of this plot are also sought to be compulsorily acquired and would be temporarily landscaped and preserved for the future extension of the scheme.

Plot 31(A) comprises a 2316m<sup>2</sup> strip of land on the east side of the Glanmire Road. The plot to be temporarily acquired (Plot 31(B)) is 777.2m<sup>2</sup> in area and is to the east of the proposed lands to be permanently acquired. The roadside boundary consists of a low natural stone wall that is overgrown in parts. The land inside the wall comprises part of a field in agricultural use. The northern end of the strip includes a gateway into the land, which is a protected structure (RPS No. 1305 – principal entrance into Richmond Demesne), and the southern end abuts the entrance to the landowner's farmyard.

The Objector raises a number of concerns which include the interference that would result for his working farm, the extent of the land take, the impact on the entrances to the farmland and to the farmyard and house, noise/light pollution/traffic safety concerns, the adequacy of the replacement boundary wall, the treatment of existing water and gas mains on the land, and drainage impacts.

I first acknowledge the extent of the land take proposed at this location. It is intended that from the Ballinglanna residential development north of Caherlag Junction as far as Gaelscoil Uí Drisceoil at Dunkettle a cross section consisting of a 2m footway either side of the carriageway, a 3m segregated cycle track on



the east side of the road, a 6.5m carriageway and 1m verge either side of the carriageway would be developed. I note that this is the most extensive cross section within Phase 1 of the overall the scheme. It must also be noted, however, that this cross section would continue as part of Phase 2 on to Dunkettle. It is apparent that, as the scheme leaves the built-up area of Glanmire and enters the less developed area on the approach to Dunkettle, the scheme is seeking to deliver improved separation for various road users. It is my submission to the Board that, in the context of the increasing volumes of vehicular traffic on this road as a link between Glanmire and Dunkettle and with the continued built out of new residential development in this area, such provisions constitute orderly development that is in the best interest of traffic safety and addressing varying road user needs, recognizing the impending future use of this road. The opportunity to deliver these provisions on the west side of the road is very limited due to the extensive residential development that exists close to the roadside.

I accept that the proposed permanent land take inevitably reduces the Objector's holding and would have implications for farm practices at this location. However, the principle of the extent of the land take is accepted for my reasons set out above. In terms of accommodation works, the local authority has submitted that walls, fencing and entrances would be restored on a like for like basis. It was submitted at the Oral Hearing that the replacement walls would be stone walls to heights of between 1.2 and 1.5 metres along the Objector's frontage and that the existing stone would be used. The Objector requested that the walls be at least 1.6 metres in height. I note the existing frontage at this location. The walls fronting the road present in parts as being in poor structural condition and are extensively overgrown. I, however, must acknowledge I was informed at the Oral Hearing that there was a requirement in the past for the landowner to take action to make some of these walls safe and some sections of wall were knocked. I submit to the Board that the local authority's proposal to replace the walls presents as reasonable, making good what was previously at this location. In the event that there is some dispute over the finished height of the wall, I submit that

this may likely be a matter for consideration in relation to compensation and is beyond the scope of the Board's considerations.

With regard to the impact of the proposed scheme on the existing entrances serving these lands, I first note that Phase 1 ends approximately 70 metres to the south of the northernmost end of the plot. The Objector queried why the proposed land take did not proceed beyond the farm entrance to the south and why the scheme was not developed to the south of this entrance in order that there would not be a potentially lengthy timeframe in which there would be adverse impact on this entrance and the lands. It was also of concern that the development as proposed would impact on the use of the area to the front of the northernmost entrance where turning and accommodation of farm-related vehicles was stated to occur.

In addressing these concerns, I note that the Board is not in a position to seek to extend the area required to be compulsorily acquired, i.e. a likely take that would be required beyond the existing entrance to the south and outside of the CPO being sought. I accept that the southern entrance would be addressed in its entirety in Phase 2 of the scheme, which would be more orderly in my opinion. I note again that Phase 2 of the scheme has been subject to Part 8 approval. It has also been clarified by the local authority at the Oral Hearing that the available funding for the scheme at this time has resulted in the Objector's lands being split into the two phases associated with the scheme. It has been explained that there is a need to provide for a pedestrian crossing at the end of Phase 1 and, therefore, Phase 1 ends as is designed. It is apparent that the CPO would continue further south to the main farm entrance. At one stage at the Oral Hearing the local authority suggested that it could be possible to acquire those part of the lands at the northern end of the plot as far as the proposed pedestrian crossing only. However, I note that developing as far as the pedestrian crossing would likely result in some use of the lands south of this line being required to ensure a proper built out of accommodation works at this location which would

likely enter into the lands south of this point. In the event that the main farm entrance would be wholly addressed in Phase 2, I do not consider that there would be any particular benefit in the Board seeking to curtail the land take as far as the proposed pedestrian crossing only.

With regard to traffic safety at the proposed entrances, I consider that there would be little impact on the existing main entrance to the south and, indeed, I submit that there could be marginal improvement on sightlines as the roadside walls are removed and the area is prepared for maintenance until Phase 2 is ready to be delivered. Access would continue to be maintained at this entrance. With regard to the northern entrance, I accept that the scheme's provisions would reduce the area in front of the gate and that the delivery of a cycleway, footpath and grass margin would impact on parking and turning of farm-related vehicles. The necessity for the extent of the land take is already understood and is accepted. This entrance presents as one which is not used on any regular basis by farm vehicles and machinery. I consider that the scheme at this location is in accordance with the proper planning and sustainable development of the area. Any outstanding issues may be addressed by way of compensation which is beyond the Board's considerations.

The Objector has raised concerns about noise impact, light pollution and security issues. The local authority proposes to make adequate provisions to address these concerns, in my opinion, by providing street lighting in accordance with accepted design standards and replacing boundary walls. I do not accept that the finished scheme would severely and adversely impact on the use of the land for farming purposes nor would it cause any known security risk to the property. The construction phase would be developed in accordance with a Construction Environmental Management Plan addressing this stage of the development of the scheme.

The Objector raised a number of concerns in relation to the impact of the development on an established watermain and gas main. It was clarified at the Oral Hearing that the local authority has a detailed understanding of the routing of these utilities and I am satisfied that the works can be accommodated without necessitating impacts beyond the proposed land take.

I do not consider, having regard to the existing topographical and soil conditions at this location and to the draft design provisions, that there should be any particular concern relating to drainage associated with the proposed scheme on these lands.

Finally, I note that the Objector made reference to the need to replace a former pedestrian entrance near the southern end of the land take. I note that such accommodation works would form part of Phase 2 of the scheme and that the temporary works proposed for this part of the plot would not interfere with the future delivery of any such pedestrian entrance if this was to be required.

Overall, I am satisfied to conclude that the proposed scheme along this section of the Dunkettle Road would be in accordance with the proper planning and sustainable development of the area, providing for the impending and future traffic needs of road users at this location.

#### 5.4. **Community Need**

5.4.1. I first note that the Glanmire Road Improvement Scheme has been subject to approval under Part 8 and that there has been no challenge to the approved scheme. Furthermore, I acknowledge that there have been no objections received which are opposed to the scheme in principle.

5.4.2. The following is noted from the local authority's submission to the Board:

- Currently, the local road network in Glanmire is congested during peak hours. It is substandard in places and has poor connectivity with the town and the national road network. Pedestrian and cycling connectivity with Cork City is also limited, with no dedicated cycling connections.
- The aim of the Cork Cycle Network Plan 2017 is to encourage a greater use of cycling for trips to work, school, recreation and leisure.
- The Glanmire Road Improvements and Sustainable Transport Works has been prepared in response to the deficiency in the roads and sustainable transport infrastructure throughout Glanmire.
- The proposed road improvement scheme sets the building blocks for meeting the objectives of both the National Planning Framework and the Regional Spatial and Economic Strategy in relation to sustainable urban development and will assist in providing alternatives to car-based transport within the Glanmire area.
- The scheme seeks to address significant infrastructural constraints in Glanmire and also facilitates the development of zoned lands for housing.
- The delivery of the road improvements to the local road infrastructure is critical to the achievement of the housing development at Ballinglanna and will facilitate future housing on zoned land at Dunkettle.

5.4.3. I submit to the Board that the requirement for the road improvement scheme is well proven based on the above. The existing road provisions to meet community needs of varying road users are very limited within this settlement. The need to make provisions for all road users is evident as Glanmire expands. The community need for this project, by significantly addressing the shortcomings in

basic infrastructure to support the further development of Glanmire into the future, is accepted.

## 5.5. **Suitability of the Lands**

- 5.5.1. I note the applicant's submission that the properties the subject of the proposed CPO are suitable and are needed to meet the community need for the scheme. I further note that the scheme has been approved under Part 8 and that this approval has not been challenged. In the context of the objections received, I am satisfied to conclude that those lands the subject of the objections and the other lands contained within the CPO are suitable to meet the needs of the scheme.
- 5.5.2. I wish to make one observation on the issue of suitability of the lands and this relates to the development of this scheme in parts potentially having adverse impacts on historic high stone walls and on mature trees as roads are widened to provide for improved infrastructure. The scheme would result in an adverse amenity impact arising from the loss of substantial natural stone walls and mature deciduous trees along some parts of the scheme. For example, the local authority confirmed for me at the Oral Hearing that existing high stone walls and mature trees are proposed to be removed on Plot 1 at Coláiste an Phiarsaigh and again at Plot 15 to the north of John O'Callaghan Park. The Board will note the form, scale and condition of these walls and the prominence and character of the treelines.
- 5.5.3. I acknowledge that the 'Archaeological and Built Heritage Assessment' forming part of the Part 8 documentation refers to the works associated with Plot 1 for example and notes the proposed setting back of the boundary wall at Coláiste an Phiarsaigh (the original wall bounding what was formerly Glanmire House). The Assessment notes that the demesne wall appears to represent a number of construction phases or alterations, with the south-eastern section surviving to a height of c. 2.2m and being of random limestone and mortar. It is also noted that

the section of the wall to the south of the main house contains three phases, with random rubble masonry, topped by 4-5 courses of yellow brick, which is then topped by further random rubble, suggesting that the wall was reconstructed in the past. It is recommended that, where possible, the demesne wall associated with Glanmire House, be rebuilt in order to help maintain the overall character of the area.

5.5.4. I submit to the Board that, having regard to the nature and extent of these amenity features, the local authority is most unlikely to be in a position to replace like-for-like in these instances. The loss of the mature trees and the removal of such walls may not be seen to be in the interests of proper planning and sustainable development of Glanmire, when considering its historic character and the contribution such features make to it.

5.5.5. I accept that the principle of the road improvement scheme, improving junctions, pedestrian and cycling facilities, realignment provisions, etc., is necessary as Glanmire expands. However, I must query why there is no available understanding of the alternatives that were considered by the local authority at the preliminary design stage of this project, the route selection criteria, and a reasonable outline of why the proposed routing was selected in a number of locations within the scheme that directly impact on such amenity features. Such a route alignment assessment of alternatives should reasonably have been required to consider the avoidance of such walls of significant heritage value and the loss of significant mature trees that make a substantial contribution to the amenity of Glanmire.

5.5.6. In conclusion, I once again note that the road improvement scheme has been subject to Part 8 approval and that the objections received by the Board do not raise concerns relating to the impacts on walls and trees of amenity value.

## 5.6. Compatibility with Development Plan Provisions

I note the following:

### 5.6.1. *Cork County Development Plan 2014*

There are no specific road improvement policies or objectives for Glanmire relating to this scheme in the Cork County Development Plan. The general transportation objectives include:

#### **TM 2-1: Walking**

- a)** *Encourage and facilitate a safe walking route network and a culture of walking where possible and practical.*
- b)** *Preserve, protect and where possible enhance existing walking routes particularly those providing access to key transport and community infrastructure such as bus stops, rail stations, schools, shops, work places, town and village centres.*
- c)** *Ensure that all development should be accessible and permeable on foot and that the walking experience should be as safe and pleasant as possible and set within an overall coherent network. The Design Manual for Urban Roads & Streets (DMURS) is a useful guidance tool.*
- d)** *Local Area Plans will play an important role in implementing Walking Strategies.*

#### **TM 2-2: Cycling**

- a)** *Encourage and facilitate a safe walking and cycling route network and a culture of walking and particularly cycling in the county, as a viable alternative travel choice. Local Area Plans will set out Active Travel Strategies (cycling and walking) for individual towns and their hinterlands.*
- b)** *Improve the streetscape environment for pedestrians, cyclists and those with special mobility needs while seeking to provide facilities which*



*enhance safety and convenience. The Design Manual for Urban Roads & Streets (DMURS) is a useful guidance tool.*

- c) Ensure that development in urban areas, towns and villages is well located, permeable and prioritises walking, cycling and access to public transport and other important amenities. The Design Manual for Urban Roads & Streets (DMURS) is a useful guidance tool.*
- d) Promote the development of an integrated and coherent local and countywide cycle network to form part of the wider National Cycle Network. Routes will be promoted which generally seek to avoid or minimise impacts on the environment and on EU designated sites.*

#### **TM 2-4: Bus Transport (Metropolitan Area)**

*The County Council will support and prioritise the following key Bus Transport initiatives:*

- a) ...*
- b) Promote bus service improvements broadly in line with Table 10.1 (All-Day Target Frequency of 15 mins for Glanmire) and to generally encourage the enhancement of service provision in tandem with planned population and employment growth;*
- c) Promote the introduction of new bus services on routes where they can offer a direct alternative to the routes most popular with private car users;*
- d) ...*
- e) Support the provision of enhanced bus infrastructure, including park and ride facilities, throughout the Metropolitan area and especially in Douglas (in line with the Douglas LUTS proposals) and Glanmire.*

#### **TM 3-3: Road Safety and Traffic Management**

- a) ...*
- e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network ...*

The proposed development, seeking to improve infrastructure for all road users, would be compatible with these objectives.

#### 5.6.2. Cobh Municipal District Local Area Plan 2017

The following is noted from the Local Area Plan:

Glanmire is designated a 'Main Town' in the Local Area Plan.

The Plan notes that Dunkettle and Ballinglanna have been identified as areas with potential to accommodate new residential development. Deficiencies in the existing road network and uncertainty relating to improvements to the Dunkettle Interchange are acknowledged as having impeded the delivery of development. It is noted that a Transport Assessment and Traffic Modelling Report examined transportation options available, assessing the impact of development whilst considering the effect of various network and junction improvements. The recommendations from the study informed the preparation of the local area plan. Key infrastructural improvements are set out in Tables 3.3.2 and 3.3.3 in the Plan. As well as being seen to be essential to facilitate the delivery of development in the Dunkettle and Ballinglanna areas, they are seen to improve the general traffic circulation in the town of Glanmire as a whole. Tables 3.3.2 and 3.3.3 are as follows:

Table 3.3.2: Dunkettle Ballinglanna Road Improvements

#### **Road Junction Improvements**

##### **Phase 1**

**Phase 1**  
**0-400 Dwellings**

Provide upgraded signalized junction including right hand turn lane on Glanmire Rd/Church Road or other acceptable traffic design solutions.

Barring of right turn vehicle on Dunkettle Road at slip road junction to N8.

Improvement to the Riverstown X-roads junction including extending the right hand turn lanes.

Signalised junction at Hazelwood Link / Glanmire Road R369.

New signalised junction Glanmire Road / Glanmire Bridge.

New signalised junction East Cliffe Road/L3010.

New Link Road Riverstown L3010 to Hazelwood Road.

Partial upgrade to Dunkettle Road.

New Link Road from Fernwood to Dunkettle Road including fully signalised junction.

**Phase 2  
400-1200 Dwellings**

Upgrade to remainder of Dunkettle Road

Additional Bridge on Riverstown Road L3010

Extend flaring to Tivoli Roundabout northern approach

New Dunkettle Free Flow Interchange required

Road improvement to the County Road between Glashaboy Road and Dunkettle Road (Dark Road).

Table 3.3.3: Dunkettle Ballinglanna – Cycle Pedestrian Improvements

**Phase 1**

**Phase 1  
0-400 Dwellings**

Improvements to all inadequate footpaths in Glyntown Area.

Improvements to all inadequate footpaths along East Cliff Road extending from Dunkettle Road junction to L3010 junction in Riverstown Village.

Improvements to all inadequate footpaths along L3010 extending from Old Youghal Road/Glanmire Road junction to Brooklodge Grove / L3010 junction Riverstown Village.

Improvements to all inadequate footpaths along the Glanmire Road extending from Dunkettle Roundabout to Sallybrook R639.

Controlled Pedestrian Crossing at East Cliff Road/Glyntown junction improved pedestrian facilities.

Controlled Pedestrian Crossing at Hazelwood Link / Glanmire Road R639 junction improved pedestrian facilities.

Controlled Pedestrian Crossing at Glanmire Road / Glanmire Bridge junction improved pedestrian facilities.

Proposed Cycle lane Route CR02 from Hazelwood junction to Brooklodge Roundabout.

**Phase 2  
400-1200 Dwellings**

New signalised junction East Cliff Road / L3010 with full pedestrian crossing facilities.

Dunkettle Road Upgrade including 2.0m footpaths to improve pedestrian facilities.

Proposed Cycle lane Route Cr01 from Tivoli Roundabout to Sallybrook.

Proposed Pedestrian / Cycle Greenway from Sallybrook to Glanmire Bridge along the Glashaboy River.

Proposed pedestrian/cycle bridge at Glanmire Village.

It was confirmed by the local authority at the Oral Hearing that many of these provisions directly relate to the Glanmire Road Improvement Scheme.

General Objectives provided for Glanmire in the Local Area Plan include:

*GM-GO-08: All development shall contribute to improved pedestrian and cyclist connectivity and shall include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists, as appropriate.*

*It is an objective of this plan that a network of designated walking and cycling routes shall be established to provide safe, convenient and pleasant routes between the town's main residential areas, schools and the town centres in accordance with the Cork Cycle Network Plan 2017.*

Specific Objectives include:

*GM-U-02: Develop and maintain pedestrian walk through existing open space and extend through proposed open space (GM-O-04) along river bank.*

*GM-U-08: Upgrade of Dunkettle Road (L2999) from the junction with East Cliff Road as far as the existing slip road to Dunkettle Interchange.*

*GM-O-04: Open space for informal recreation including the provision of an amenity walk. This open space contains the Town Park, an important community amenity.*

5.6.3. The local authority has submitted to the Board in the application:

- The proposed road improvement scheme sets the building blocks for meeting the objectives of both the National Planning Framework and the Regional Spatial and Economic Strategy in relation to sustainable urban development and will assist in providing alternatives to car-based transport within the Glanmire area.

- The delivery of the road improvements to the local road infrastructure is critical to the achievement of the housing development at Ballinglanna, it will facilitate future housing on zoned land at Dunkettle, and this will help to satisfy the delivery of housing units in conformity with the Core Strategy of Cork County Development Plan.
- County Development Plan Objectives TM 2-1 (Walking), TM 2-2 (Cycling), TM 2-3 (Bus Transport), and TM 3-3 (Road Safety and Traffic Management) are relevant to the Scheme.

5.6.4. I have to some extent addressed the scheme's compatibility with plan provisions when considering the objection by Clyda Eco Homes Ltd. Having regard to the plan provisions to which the proposed scheme can be seen to relate, I submit to the Board that the proposed development is compatible with the range of junction, cycle and pedestrian improvements set out in the Plan as well as with the relevant General and Specific Objectives. I am, therefore, satisfied to conclude that the proposed scheme would be compatible with development plan provisions.

5.6.5. Further to the above, I am also satisfied to conclude that the proposed scheme would be in accordance with the provisions of the National Planning Framework as they relate to making stronger urban places and developing healthy communities. I consider that it is also in accordance with the provisions of the Regional Economic & Spatial Strategy for the Southern Region, specifically in relation to Strategy's provisions relating to connectivity, sustainable mobility and quality of life.

## 5.7. **Consideration of Alternatives**

5.7.1. I note that the Glanmire Road Improvement Scheme has been approved under Part 8. I have examined the available information which the local authority has

stated forms the documentation available on the scheme, which is contained in the documents forming the Part 8 application. This does not include any matters pertaining to alternatives considered or the reasons for the selection of the scheme as is now proposed. I specifically asked at the Oral Hearing did the local authority consider alternatives to the proposed road improvement scheme. The Hearing was informed that at the preliminary design and option development stage with Cork County Council alternatives were considered in relation to junction improvements, the option of providing for cycling and pedestrian facilities on road in place of the greenway proposal, as well as various alignment options. It was also confirmed that there are no accessible documents providing these alternative considerations or the reasons for the selection of the approved scheme.

5.7.2. When considering the Clyda Eco Homes Ltd. objection, I note that the issue of alternatives was also discussed and again it was indicated that there is no available documentation on the range of options considered at that location.

5.7.3. It is my submission to the Board that the limited information available on the consideration of alternatives and the reasons for the selection of the various proposals associated with each of the Projects making up the overall scheme is somewhat of a shortfall in information when considering what would ultimately be seen to demonstrate what would constitute the proper planning and sustainable development of the area. However, I have noted the following:

- Much of the proposed scheme involves the provision of improved infrastructure on and directly adjacent to existing roadways. In many instances there are very limited opportunities to consider alternative alignments given the physical restrictions that are evident.
- The local authority has sought to demonstrate that there was consideration of alternatives at the preliminary design and options development phase.

5.7.4. In conclusion, I accept that the principle of the road improvement scheme, improving junctions, pedestrian and cycling facilities, realignment provisions, etc., is necessary as Glanmire expands. I further accept that the option selected is appropriate to meet the needs of the road improvement scheme as approved under Part 8.

#### 5.8. **The Scale and Location of the Land Acquisition**

5.8.1. The local authority has submitted that the extent of the lands to be acquired has been kept to a minimum to enable the Council to develop the necessary transport infrastructure in order to meet the requirements for the provision of approved housing development in Ballinglanna and to meet the requirement of the LIHAF.

5.8.2. The issue of the extent of the land take has been considered in relation to the individual objections received and I am satisfied to conclude that the scale and location of the land acquisition at these properties are required and are suitable having due regard to the concerns raised. With regard to the overall scheme, I consider that it is reasonable to determine that, in order to undertake the Part 8 approved scheme, the scale and location of the development meets the requirements to permit the development to be carried out in accordance with the objectives of the scheme. Therefore, it is considered reasonable to determine that the scale and location of the land acquisition for the scheme is acceptable.

#### 5.9. **The Requirement for All Lands included in the CPO**

5.9.1. The local authority submits that the extent of the lands to be acquired has been kept to a minimum to enable the Council to develop necessary transport infrastructure in order to meet the requirements for the provision of approved housing development in Ballinglanna and to meet the requirement of the LIHAF.



It is also submitted that the properties the subject of the proposed CPO are suitable and are needed to meet that community need for the scheme.

5.9.2. The requirements for the land take have been considered in relation to the individual objections received and I am satisfied to conclude that there is a requirement for all lands included in the CPO for those affected, having due regard to the concerns raised.

5.9.3. With regard to the overall scheme, I consider that it is reasonable to determine that, in order to undertake the Part 8 approved scheme, there is a requirement for all of the lands included in the CPO in order that the objectives of the road improvement scheme can be met.

#### 5.10. **Conclusion**

5.10.1. I note that this scheme has previously been approved under the Part 8 planning process. I acknowledge that the proposed scheme would have adverse impacts on the landowners affected by the land take. With regard to the objections received by the Board, I consider that the proposed development at those locations is suitable, appropriate and meets with the requirements of the approved scheme. Overall, I consider that the road improvement scheme:

- meets a distinct community need,
- results in the utilization of lands suitable for purpose,
- is compatible with development plan provisions,
- constitutes a suitable option to meet with the objectives of the approved scheme,
- provides for a scale and location of land acquisition that is appropriate to meet with the approved scheme's objectives, and

- necessitates the inclusion of all lands contained within the CPO to permit the provision of the approved scheme.

5.10.2. It is, therefore, considered that the proposed scheme is seen to accord with the proper planning and sustainable development of the area.

## 6.0 RECOMMENDATION

I recommend as follows:

**CONFIRM** the compulsory purchase order without modification for the reasons and considerations set out below.

### Reasons and Considerations

Having considered the objections made to the CPO and having regard to the following:

- (a) the purpose of the compulsory acquisition for the Glanmire Road Improvement Scheme which has been subject to the provisions of Part XI of the Planning and Development Act 2000 (as amended) and approved under Part 8 of the Planning and Development Regulations 2001 (as amended) and which provides for a suite of measures to improve the accessibility, sustainability, capacity and safety of the transport network in Sallybrook, Glanmire and Riverstown;
- (b) the community need, public interest served and overall benefits to be achieved from the proposed road improvement works;
- (c) the design of the proposed road improvement works constituting a design response that is proportionate to the identified need;

- (d) the present substandard nature of the existing road infrastructure in relation to road alignments, junction capacities, and pedestrian and cyclist facilities and the resultant improvement arising from the proposed road improvements and in the interest of public safety;
- (e) relevant provisions of the National Planning Framework and the Regional Economic & Spatial Strategy for the Southern Region;
- (f) the policies and objectives of the Cork County Development Plan 2014 and the Cobh Municipal District Local Area Plan 2017;
- (g) the written submissions to the Board and the submissions and observations made at the Oral Hearing held on the 27<sup>th</sup> day of January 2021; and
- (h) the report and recommendation of the Inspector,

it is considered that the acquisition by the local authority of the lands in question, as set out in the Order and on the deposited map, is necessary for the purposes stated and the objections cannot be sustained having regard to the said necessity.

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Kevin Moore  
Senior Planning Inspector  
11<sup>th</sup> February, 2021