



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-306325-20

Strategic Housing Development

753 no. residential units (531 no. houses, 222 no apartments), crèche and associated site works.

Location

Lahardane and Ballincolly (Townlands), Ballyvolane, Cork City. (www.longviewshd.ie)

Planning Authority

Cork City Council

Applicant

Longview Estates Limited.

Prescribed Bodies

1. Transport Infrastructure Ireland
2. Irish Water
3. Irish Aviation.

Observer(s)

1. Noel and Sarah Kiely,

2. Abbie Drinan,
3. Aidan Linehan,
4. Altomount Limited,
5. Aoife Deegan,
6. John F. Murphy and Helen
Murphy
7. Kevin Keaney,
8. Lawrence Owens (Cork
Business Association),
9. Mary Keaney,
10. Mary O Callaghan,
11. Michael O'Flynn,
12. Pat and Dara O'Donovan,
13. Paul Barr,
14. Peter Twomey,
15. Residents of Laherdane,
16. Robert and Grainne Morgan,
17. Thomas Mc Hugh (Cork
Chamber of Commerce).

Date of Site Inspection

25th of March 2020

Inspector

Karen Hamilton

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site is located in the townland of Lahardane in Ballyvolane, Co. Cork. Ballyvolane, c. 3km north of Cork City, in an area identified as an Urban Expansion Area (UEA) in the Cobh Municipal District Local Area Plan. The site is rural consisting of a number of large fields which are currently used for tillage farming and surrounded by mature trees and hedgerows.
- 2.2. The site is 46.93ha. and is located to the northern extremity of the Ballyvolane UEA lands (260 ha. in total) with frontage along the Ballyhooley Road and limited frontage along a substandard local road to the north east of the site which provides access to a large amount of one-off private residential properties.
- 2.3. Ballyvolane is an existing largely residential area adjoining the northeast of Cork City. There is an existing retail core located at the Fox and Hounds junction consisting primarily of Ballyvolane Shopping Centre (Dunnes), Lidl, public house and off-licence. There are significant tracts of zoned and undeveloped residential lands between the development site and the lands zoned for town centre uses.
- 2.4. The Ballyvolane area is accessible from the Northern Ring Road (R635) via the R-614. The development lands are accessed approx. 1300m from the Fox and Hounds junction via the Ballyhooley Road. The primary access to the lands is from both the R-614 and from the local road to the north which is a narrow road with poor vertical and horizontal alignment. The lands rise steeply from the Ballyhooley Road towards the north-east of the lands where there are panoramic views across the site towards Cork City. There are existing overhead power lines that traverse the site, 110Kv and 38Kv.
- 2.5. The lands were previously located in the Cork County Area and now fall within the jurisdictional area of Cork City Council on foot of the boundary extension which occurred on 31st May 2019.

3.0 Proposed Strategic Housing Development

3.1. The proposed development is for a **10 year** permission which would comprise of 753 no. residential units and associated works as detailed below:

Table 1: Key Figures

Site Area	46.9ha
Developable area	25.73ha (minus public park and community zoning)
No. of units	753 units
Density	35.7 units per ha
Open Space (within neighbourhoods)	15.2%
Open Space (including greenways)	32%
Crèche	1 no
Retail	2 no retail units
Community	Community centre & Doctors Surgery
Car parking	1,330 spaces
Bicycle Parking	591 spaces

Table 2: Unit Type & Mix

	Studio	1 bed	2 bed	3 bed	4+ bed	Total
Apartments	6	42	79	26	-	153
Duplex/Apartments	-	-	33	36	-	69
Terrace Houses	-	-	72	96	18	186
Semi-detached	-	-	-	237	41	278
Detached	-	-	-	36	31	67
TOTAL	6	42	184	431	90	753
As % of total	1	6	24	57	12	100%

The proposed development includes three new vehicular access, two onto the R-614 to the west and the third onto the L2976 to the north. The 110Kv overhead line is to remain although the 38Kv line will be rerouted underground.

Phasing

The initial site works proposed are between 6-12 months to include the re profiling of the site, access roads and distributor road, rerouting of the 38Kv line and planting and construction of boundary roads to the north of the site adjoining the existing residential properties. Construction is divided into the development of the 6 proposed neighbourhood areas as detailed below:

Table 3: Phasing programme

Neighbourhood/ Delivery	No of Units	Proposed works
N1	75 (end 2021)	Section 47 agreement CEMP Sign off Construction compound Cut & Fill Underground line works 38kv Planting of boundary hedge Surface water drainage for Phase1
N2	218 (end 2023)	Widening of Ballyhooly Rd entrance Set back of Ballyhooly Road Bus stop Signalised junction at Lower Dublin Road/ Ballyhooly road junction Earth works for N3
N3	63 (end 2023)	Start of cut and fill for the greenway
N4	93 (end 2024)	Local widening of the Ballyhooly road in front of N4 including bus corridor, cycle lanes and landscaping.

N5	178 (end 2026)	Remaining portion of the local distributor road, bus stop, bus turning area.
N6	126 (2027-2029)	

4.0 Planning History

None relevant.

5.0 Section 5 Pre Application Consultation

5.1. Two Section 5 pre application consultations took place. The first took place at the offices of Cork County Council on 02nd of February 2019, commencing at 14.00. The second at the offices of Cork County Council on 11th June 2019, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance at both meetings. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted **required further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The Opinion issues was similar for both Section 5 Pre Application Consultations as summarised below:

Timing and Phasing of Development: **planning rationale** for developing at this location having specific regard to the

- general sequential approach to developing on serviceable lands proximate to urban centres,
- the topography of the lands and potential environmental and sustainability impact of the proposed development in the wider area,
- the possible prematurity of development at this location pending the completion of Infrastructure related studies and upgrades as set out in the 'Indicative Development Programme' in the Cobh Local Area Plan 2017 and

the extent of infrastructure to be delivered in Phase 1 of the proposed development.

Site Topography: regard to **urban design and environmental considerations**

- given the extent of 'cut and fill' activities proposed,
- excavation methods to be used on site, volumes of soil and rock to be excavated/extracted, re-used and/or removed off site, associated traffic movements to and from the site,
- information included in the Environmental Impact Assessment Report.

Water and Waste Water infrastructure: the required extension **in water and wastewater infrastructural** including:

- liaise with Irish Water with regard to the nature of works required to address any proposed extension to the network,
- provide details with regard to the network extensions including layout and design details and the timelines involved relative to the construction and completion of the proposed development,
- where any infrastructural works form part of an application, details/agreements regarding asset management upon completion of such works should be clearly set out.

Surface water management and Flooding: the potential for increased **risk of flooding** in the wider area including the Blackpool area and the applicant should liaise with the planning authority regarding surface/storm water proposals prior to making an application.

Traffic and Transportation: The **delivery and timing of road infrastructure upgrades** in the wider area as identified in the Local Area Plan including:

- connectivity of the proposed development to the urban centre, the proposed urban park and the school site,
- how the layout, proposed spine road and access arrangements are consistent with the principles of Design Manual for Urban Roads and Streets,
- the impact of the proposed traffic upon Ballyhooly road pending the delivery of connections in the wider Urban Expansion Area.

Residential Density: the need to develop at a sufficiently **high density to** underpin the efficiency of existing or planned public transport services and to how the net density was calculated having regard to the provisions of Appendix A of the sustainable residential guidelines.

Public Open Space: open space proposed particularly in the context of ensuring delivery of the **public urban park** as identified in the local area plan, the quantum and usability of the active open spaces on the site, integration and connections to the proposed public urban park, ensuring surveillance of the open spaces, and addressing level changes across the site.

Design, Layout and Unit Mix: The matters of unit mix, the **configuration of the layout, design and alignment of roads**, how the development including consideration of the phasing arrangements contribute to the creation of a high-quality urban extension to Ballyvolane whilst respecting the existing landscape character of the site should be given further consideration.

5.2. Furthermore, the prospective applicant was advised that the **following specific information should** be submitted with any application for permission:

1. Details of any consultations undertaken with the Department of Education and Skills with regard to the lands reserved for a 16 classroom primary school.
2. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed dwellings, access roads including the proposed spine/distributor road and public open space areas.
3. Details of undergrounding or re-routing of any overhead ESB power lines.
4. A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity.
5. A construction and demolition waste management plan should be provided.
6. A phasing plan proposed to deliver in each phase having specific regard to the provisions of the local area plan.
7. Landscaping proposals including an overall landscaping masterplan.

5.3. Applicant's Statement

Timing and Phasing

- The general sequential development of lands in the Ballyvolane Urban Expansion Area can only progress with the development of these lands.
- An additional 41 hectares of lands have been acquired since preplanning discussions in order to provide a higher density scheme.
- The application site contains the only roads access demanded by the Local Area Plan to service the northern fringe of the Urban Expansion Area.
- The site delivers Phase 1 Local Area Plan objectives.
- The phasing of the 6 neighbourhoods will be undertaken in conjunction with the roads and sanitary provision.

Site Topography

- The area is part of a large c.220 acre landholding adjoining the Ballyhooly Road / R616.
- It is a hilly, rising site that climbs to a "plateau" to the north east and central areas of the Urban Expansion Area.
- Cross sections are submitted and cut and fill has been minimised.

Water and Waste Water Infrastructure

- Privately funded via a Project Works Service Agreement with Irish Water ("IW"),
- Foul Pumping Station, to be served by local mains and downstream rising mains to Tivoli to the east in due course (pumping services for 5000 + units in the future),
- Irish Water is satisfied that there is **sufficient water supply capacity** to accommodate the phased expansion of the area, with new infrastructure, and that foul services for the initial planning for 1000 + units, as envisaged under an agreed PWSA (Project Works Service Agreement) for the Ballyvolane Urban Expansion Area between Longview Estates Ltd and Irish Water, can be carried out.

Surface Water Management and Flooding

- Soil infiltration to the east are high while those to the west are low.
- Soakaways are used to the east of the site in Phases 2 & 5.
- It is proposed to connect to the main surface water drainage network at Ballyhooly Road, Outfall 2.
- Neighbourhood 4 (Phase 4) will connect to Outfall 1.
- The proposed outlets will connect into the existing watercourse.

Traffic and Transport

- Regional Transportation Assessment is in Draft form.
- The Draft Cork Metropolitan Area Transport Strategy (CMATS) was published for public consultation in May 2019. Point Q relates to the provision of the North East Orbital Road to provide access residential lands and public transport for Ballyvolane.
- The Northern Distributor Road goes through the applicants lands.
- The development is not reliant of any major infrastructural improvements and includes distributor roads NE-U-03 and NE-U-04, access from the east to within the landholding and beyond, accesses lands that are to be set aside for the Department of Education for schools to serve the entire area Urban Expansion Area and open up the park area to future use.
- The draft CMATS envisages a significantly enhanced Bus Connects service for Cork by 2027.
- The application site is located at the terminus of the Ballyvolane (Northside) to Donnybrook (Southside) corridor and is currently served by the 207 and 207 A City Bus routes.

Public Open Space

- Section 47 agreement will be put in place to deliver the urban park.
- The applicant has submitted a landscape strategy for the entire UEA

5.3.1. **Statement of Consistency with Planning Policy**

The statement of consistency demonstrates that the proposal is consistent with the relevant County Development Plan, the Cobh Municipal District LAP and the Ballyvolane Urban Expansion Area.

6.0 **Relevant Planning Policy**

6.1. **National Policy**

The following list of national guidance and section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- National Planning Framework (NPF): Ireland 2040,
- Climate Action Plan 2019. To Tackle Climate Breakdown (Government of Ireland, 2019),
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual),
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities ,
- Urban Development and Building Heights- Guidelines for Planning Authorities,
- Design Manual for Urban Roads and Streets,
- The Planning System and Flood Risk Management,
- Childcare Facilities – Guidelines for Planning Authorities,
- Appropriate Assessment of Plans and Projects in Ireland- Guidelines for Planning Authorities (DEHLG).

6.2. **Southern Regional Assembly Regional Spatial & Economic Strategy (RSES)**

Came into effect on the 31st of January 2020

Section 7.3 Strategic Residential Growth Nodes

- Ballyvolane Urban Expansion Area can accommodate 3,600 units,

- UEA investment will be holistic and phased.

Cork MASP Policy Objective 9

- Q North east orbital road (public transport infrastructure Ballyvolane).

6.3. Cork County Council Development Plan 2014

The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension / transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014 and the Cobh Municipal District Local Area Plan 2017. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

Objective CS 4-1- The northern environs will have a major role in rebalancing the City in terms of population and employment.

Urban Design & Density

HOU 3-1- Implement the sustainable residential guidelines

HOU 3-2- Implement DMURS

HOU 3-3- Provision of a mix of house types and sizes

TABLE 3.1: Settlement Density Guide- Cork North Environs- High density at locations close to future quality public transport corridors.

Education

Table 5.1- Cork North Environs 1 x 16 classroom.

SC 4.1- Facilitate the provision of education and community services.

Surface Water & SuDS

WS 5-1: a) Ensure all new development incorporate SuDS, b) provide adequate storm water infrastructure.

Landscape

The site is located within a High Value Landscape Area where the careful location, siting and design of large scale developments is required.

6.4. Cobh Municipal District Local Area Plan 2017

The site is located on lands zoned as in the Cork City Northern Environs area for the following:

Residential- Medium B residential,

Public Park – Open Space for public recreation as an urban park,

Community – Proposed Primary and Secondary school campus.

- The site is located within the Cork City boundaries- Northern Environs
- The site is part of No. 5 of Metropolitan Urban Expansion Sites (requiring masterplan)
- Ballyvolane Urban Expansion Area: Phased expansion of the area of 2,337 to 3,600.
- A post primary school and two primary schools are proposed for the area.
- The Cork Cycle Network Plan (2017) identifies a strategic cycle network.
- There is a need to address congestion at the Ballyvolane crossroads.
- The construction of a major piece of road infrastructure from Mayfield to Kilbarry is required to alleviate congestion.

Section 3.4.1 sets out that the vision for Cork City North Environs to 2020 is

“to re-invigorate the northern suburbs of the city, within the County area, as a significant location for future residential development. This will require a planned major mixed use development at Ballyvolane coordinated with substantial infrastructure investment, the provision of enhanced community and recreational facilities and public transport accessibility, with the aim of rebalancing the provision of services more equitably throughout the city.”

Section 1.7.40 of the LAP it is set out that with regard to the Urban Expansion Areas, which includes Ballyvolane, infrastructure programmes for these sites are being progressed with the specific aim of delivering complex public infrastructure in an environment of multiple land ownerships within the sites.

Table 3.4.2- Indicative Development Programme for Ballyvolane.

Phasing requirements

- **Prior** to development Provision of transport assessments including detailed design process for relevant road upgrades and package for upgrade of the existing Northern Relief Road (R635), bus corridors etc.
- **Phase 1-** (0-1175 units)
 - Identify and commence planning of measures for the upgrade of the Northern Relief Road (R635),
 - NTA upgrade of Ballyhooley Road (pedestrian and cyclists).
 - Plan and Provide for the construction of 2.2km link road from Mayfield to Kilbarry
 - Retail and Commercial development (10,000m²).
 - 20ha Public Park.
 - Primary School (16 classroom).
 - Provision of a health centre and community building

Specific Objectives for the site within the Cork City North Environs Section

NE-GO-04- Facilitate cycling and link up with the Cork Cycle Network Plan 2017

NE-GO-05- Landscape masterplan to include advanced native planting.

NE-GO-06- Provision of SuDS

Housing & Community

NE-R-08 (lands to the west adjoining the regional road) - Medium B residential.

NE-R-09 (lands to the north adjoining the local road) - Medium B residential.

NE-R-10 (lands to the east adjoining other zoned lands) - Medium B residential.

NE-O-04- (public park zoning) - Urban park including passive amenity with walkways and cycle ways provided connectivity to the commercial centres.

NE-C-01- (community zoned lands) - Proposed primary and secondary school campus with playing pitches.

Roads

Section 3.4.72

The “Ballyhooley road is a critical route into the City, the creation of additional access points onto the Ballyhooley Road would result in additional congestion.

The results of the Regional Transport Model currently being prepared by the NTA will be critical to quantifying the exact number of units that are capable of being built prior to substantial road improvements.

- NE-U-02- Service road within the Ballyvolane UEA
- NU-U-03- Service road within the Ballyvolane UEA

Transmission Line

Section 3.4.80 – A 40m wayleave is required for the 110Kv line

Urban Design

Section 3.4.82- key principles

- Effective connectivity
- High levels of modal shift
- Appropriate housing mix
- Housing density for efficient land use
- Unique, innovative and distinctive design

Landscape

The Ballyvolane site is located within the City Harbour and Estuary **Landscape type** as defined by the Draft Landscape Strategy which is considered very high in terms of sensitivity and value.

Surface Water

- The issue of **surface water** disposal is a significant issue having regard to the steep topography and the capacity issues within the Glenamought catchment.
- The proposed Blackpool flood relief scheme is sensitive to any increase in flows.

- The recommendation is that all future developments should attenuate for a 1 in 100 year flood event.
- All future development should demonstrate compliance with an overarching SuDS Strategy.

7.0 Third Party Submissions

7.1. A total of 20 no. submissions were received in relation to the proposal of which 3 no. of these are prescribed bodies, further detailed below in Section 9.0. The remaining submissions are from residents, residents associations of the estates in the vicinity (multiple signatures) of the site, and business groups of Cork City, and the issues raised are similar in nature. Therefore I have summarised into common themes below:

Background

- Support is provided for the development from local business and the opportunity to provide housing in Cork.
- Other similar applications previously refused by the Board PL04.244668 & PL28.245709 of which the inadequate roads infrastructure are raised.

Traffic and Transport

- Access to local road north of the site (L276) is unsafe and would cause excessive traffic movements.
- The northern road is already very congested and not safe for walking along.
- NE-U-02- Service road within the Ballyvolane Urban Expansion Area (UEA) is needed.
- There is not sufficient public transport provision.
- A previous application (300557-18) describes the road as poor with poor vertical and horizontal alignment
- The proposal does not provide for connectivity to lands to the east and will inhibit appropriate connectivity to the future schools campus.

- The draft section 47 agreement requires the internal roads to be constructed to deliver the internal distributor road at a width to service the Ballyvalone UEA.
- The roads proposed would not have the carrying capacity to support additional development of lands to the east and roads between house no's 116-123 & and 150-158 should be increased in size.
- NE-U-02 is not provided and is necessary and although referenced in the TTA it is not provided for in the proposal.
- The TTA does not include sufficient information and there is an assumption that the upgrading works to the North Ring Road/Ballyhooley Road and the Phase II of the Ballyvolane Strategic Transport Corridor Project: North Ring Road to Ballincolly (BSTC) will be complete by 2023.
- There is no evidence the modal shift will change to 45%.
- Absence of the Mayfield- Kilbarry Northern Distributor Road- critical piece of infrastructure.

Regional Policy, Development Plan and LAP objectives

- The 2017 LAP refers to the road as substandard and unsuitable for extra vehicular movement.
- The absence of roads within the development does not comply with the LAP objectives.
- Southern Regional Assembly Regional Spatial & Economic Strategy (RSES) 2020, (effect Jan 2020), Page 254- Ballyvolane UEA 3,600 units.

Schools

- There is a lack of amenities in the vicinity.

Design, layout and character of the area

- The new dwellings are too close to the existing dwellings will cause overlooking and overbearing.
- The proposal will cause excessive noise.

- The density is too high for this location and Policy Hou 4-1 allows for densities 25-35.
- The LAP states that higher densities should be located further south and closer to the proposed northern distributor road.

Contamination of water & foul water connection

- The private wells of those houses adjoining the site will be negative impacted upon.
- The development is premature pending the provision of infrastructure.
- There is no idea as to the cost of the works.
- There is no evidence as to how the applicants can connect to the water and wastewater.
- The water will be contaminated and prevent farming on adjoining lands.

Residential Amenity

- There are no clear boundary's around the site.
- Planting of high hedging will have a negative impact on the existing residents.
- The level differences between the existing and proposed houses are not clear.
- The location of the pumping station will have a negative impact on the residential amenity of the adjoining residents.

Flooding

- The proposed SUDS & storm water design does not adequately demonstrate that flooding will not occur on adjoining properties on the Laherdane Hill and the Ballyhooley Road.
- Groundwater vulnerability to the north of the site is extreme and there is a query if this site can accommodate infiltration.
- There is no allowance for ground water infiltration in the attenuation tank design calculation.

- Storm outfall to existing culvert (Kinvara and Kempton Park) and has not be hydraulically modelled or risk assessed.
- The Flood risk of the downstream impacts have not been considered.
- No overland flood flow routeing modelling has been undertaken and therefore there is a risk of flooding on the existing dwellings.

8.0 Planning Authority Submission

8.1. A submission to the SHD application was received from the Planning Authority on the 03rd of March 2020 and includes a summary of the points raised in the submissions, the opinion of the Elected Members and the Chief Executives Views which recommend a grant of permission subject to the removal of the vehicular and pedestrian access to the north of the site along Ballyhooley Road. The submission has been summarised below.

8.2. View of Elected Members

The elected members are generally supportive of the proposal although raised concern in relation to the infrastructure in particular:

- the increased traffic on the Laherdane Road,
- absence of footpaths along the above road and pedestrian access is provided,
- contamination of the individual wells,
- sewerage capacity and upgrades,
- access to bus routes.

8.3. Planning Assessment

Principle of Development

- The SHD is supported at this location.

Infrastructure, Timing and Phasing

- The proposal will kick start investment in the area.

- CMATS is not a requirement for the development at Ballyvolane in the same way as other UEAs.
- The Mayfield/Kilbarry link Road is provided for as the land where this route is reserved.

Residential Density & Mix

- The density is 35.7units per hectare.
- The phasing includes medium first, lower second and high density at the end.
- The phasing and delivery is considered acceptable.

Consistency with apartment standards.

- SSPR 1- (mix) consistent
- SPPR 2- N/A
- SPPR 3- (dual aspect)- Over 50% is provided
- SPPR 5- (floor to ceiling) consistent
- SPPR 6- (12 per core)-consistent.

Open Space

- The applicant proposed a Section 47 agreement in relation to the provision of an urban park

Residential Amenity

- No objection, subject to the removal of access for the northern entrance along the Ballyhooley Road.

8.4. Conditions

54 no conditions are recommended of which the following are of note:

C1- Compliance with mitigation measures in the EIAR.

C2- Section 47 agreement for

- Lands zoned as Passive Amenity Space and Objective NE-O-04 in the Ballyvolane UEA
- The Mayfield/ Kilbarry Link Road

- Lands for the upgrade of the Ballyhooley Road
- A proposed distributor road to serve third party lands and later phases of the UES
- Proposed services.

C3- Removal of the northern access onto the L2976 and replaced with a pedestrian only access and vehicular turning head.

C4- Submission of revised drawings for a larger Community Centre.

C7- Submission of a management plan for the reserved school site.

C12- RSA stage 1-4 for the entrance on the R-614.

C16- Revised proposals to provide an internal vehicular connection from Phase 4 to the rest of the development.

C17- Revised proposals to provide direct connection for pedestrian and cyclist from Phase 4 to the proposed Greenway and from the south western section of the estate to the existing Greenway.

C26- Cross Section details of the R614 to show sympathetic support for sustainable travel and encourage low speeds.

C28- Reservation along Ballyhooley Road to accommodate different road users.

C29- Tree Felling

C32- Light trespass into the windows of houses shall be limited to a max of 10Ev (vertical luminance in lux) before 11pm and 2Ev after 11pm.

C34- Noise disturbance

C36- Submission of a CEMP

C39- Taking in charge

C40- Submission of revised details for the pumping station

C41- Submission of details to address the land drains

C44- Calculation for storm run-off discharge rate

C48-Invasive species

C49- Planting

8.5. Interdepartmental Reports

Roads design: No objection subject to the restriction of the use of the northern access onto the L2976, the protection of the Northern Distributor Road (NDR) corridor and land reservation along the Ballyhooly Road (R614) for additional infrastructure.

Chief Fire Officer: No objection subject to conditions,

Housing Department: No objection subject to condition.

Environment: No objection subject to condition.

Roads & Transportation: No objection subject to conditions relating to compliance with the NTA guidelines, segregated cycle and pedestrian facilities along the Ballyhooly Road.

Drainage Report: No objection subject to conditions

9.0 Prescribed Bodies

9.1. Transport Infrastructure Ireland- No observations

9.2. Irish Water- No objection subject to the extension of the public water network and the extension of the waste water network to include a new strategic pumping station to accommodate future connections.

9.3. Irish Aviation Authority- No objection subject to a condition requiring the notification of the intention to commence crane operations within a minimum of 30 days.

10.0 Environmental Impact Assessment

10.1. Statutory Provisions

The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

(i) Construction of more than 500 dwelling units

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The development would provide 753 no.residential units on a site of 46.9ha. The proposal is above 500 dwellings and exceeds the threshold stated in b (i) and so EIA is mandatory.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out at previously this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR provides a non-technical summary of its content.
- Volume 2 includes the Written Statement of the (Chp 2-15) EIAR, and
- Volume 3 includes the Technical Appendices.
- Table 1.1 describes the expertise of those involved in the preparation of the report.
- Mitigation measures described throughout the report are summarised in Chapter 15.
- The Screening for Appropriate Assessment is detailed below, as a separate assessment and the application is accompanied by a Natura Impact Statement.

The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;

- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

10.2. Alternatives

Article 5(1)(d) of the 2014 Directive requires a description of alternatives studied by the developer and the reasons for the option chosen, taking account the effects of the project on the environment. Annex (IV) of the Directive provides that more guidance on reasonable alternatives which permits the reasonable alternative studied to include project design, technology, location, size and scale.

Chapter 3 of the EIAR deals with the issue of alternatives.

The EIAR sets out that alternative scenarios were considered during the Cobh MD LAP during the Strategic Environmental Assessment (SEA) stage and the site was designated as a growth area and having regard to the requirement for growth the do nothing scenario was not considered as a reasonable alternative, the do minimum would result in densities too low. In terms of alternative designs, it is set out that the proposals were the subject of detailed discussions with all the relevant authorities prior to the finalised scheme as summarised below:

- The need to increase density on the site to sustainable levels,
- The topography of the site has dictated the design of the road,
- The preferred layout (No.4) has been submitted having regard to the environmental concerns expressed during the preplanning consultation.

Having regard to the location of the site within an urban expansion area of Cork City the consideration of alternate processes is not considered relevant to the EIAR having regard to the nature of the proposed development and I am satisfied that the EIAR has provided a description of the reasonable alternatives studied by the applicant which are relevant to the proposed project.

10.3. Likely Significant Direct and Indirect Effects

The likely significant direct and indirect effects of the proposed development are considered under the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU, and further summarised, in my assessment, from those topics provided in the EIAR:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the above factors.

10.4. Population and Human Health

Chapter 4 of the submitted EIAR deals with population and human health.

The site is adjoins a row of one-off dwellings along the north of the site. The construction phase of the may create some additional noise and disturbance locally. Mitigation measures to reduce any potential negative direct or indirect impact are detailed in a Construction Environmental Management Plan (CEMP) and reiterated in the EIAR such as restriction of construction hours. The cumulative impact of surrounding permitted developments is included in the assessment.

I note the location of the dwellings in the vicinity of the site and use of construction access I consider the use of mitigation measures acceptable and I consider the impacts will be short term.

The Operational phase of the proposal will bring new population into the area, who will support existing schools, shops, transport and the local community. Additional facilities will be supported in the area. The area is designated for growth in the County and Local plans. It is considered that the effects for population and human health will be moderate, positive and long term.

I have considered all written submissions made in relation to population and human health and I am satisfied that all issues have been appropriately addressed applicant

and that no significant adverse direct, indirect or cumulative effects on population and human health are likely to arise.

10.5. Land and Soils

Chapter 5 deals with Land and soils.

Site Investigations inform the assessment in addition to desktop analysis.

Topographical surveys illustrate the variations in elevations with the site sloping steeply from the west to the west from 65m OD to 130m OD although this varies at different points. The subsoil indicates clay and silt and the national aquifer vulnerability mapping indicates high to extreme vulnerability. A number of groundwater wells are located along the north of the site.

Potential Impacts and risk to land and soil from the construction phase include excavation, accidental leaks or spills and imported fill. The construction phase will see a significant amount of cut (186,832m³) and fill (152,436m³) with the majority for the local distributor road. Most of the fill will be reused where possible. Soil improvement works will be undertaken in line with environmental controls i.e. silt fences and settlement ponds. The impacts will of short term and mitigated.

The operational phase will not give rise to any likely significant long term effects albeit there will be a land change from use of agricultural to residential and mixed use. Mitigation Measures primarily relate to the excavation of the site and include a CMEP, controlled excavation in line with waste legislation, reuse of sub soil and good construction practices.

I have considered all of the submissions made in relation to land, soil and geology and I am satisfied that potential adverse direct, indirect or cumulative effects on land, soil and geology have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

10.6. Hydrology, Water and Hydrogeology

Chapter 6 of the EIAR deals with this topic.

There are no watercourses through the site and the River Bride is located to the west of the site on the opposite side of the Ballyyhooley Road, which connects to the Glen River flowing downstream to meet the River Lee which flows into Cork Harbour. The

site has an extreme groundwater vulnerability (ww.gsi.ie) and no karst features are recorded on the site. The rerouting of a 38Kv line under a watercourse will be undertaken in line with Inland Fisheries Guidance.

Waste Water: The proposed development includes two pumping stations. The first pumping station will be delivered during phase 2/3 for Neighbourhood 2 between 2022 and 2023. The second pumping station (Irish Water Type 3) will be delivered at the end of 2025 for some of those dwellings in Phase 5 and Phase 6.

Phase 1- Foul network will gravity feed to existing 225m foul sewer south of Ballyhooley Road,

Phase 2- New pumping station along the Ballyhooley Road, south of the development to accommodate the overall UEA.

Phase 3- Additional foul for Phase 3, gravity fed to pumping station,

Phase 4- Additional foul for Phase 4, gravity fed to pumping station,

Phase 5- New pumping station for Phase 5 with rising main along the distributor road (due to topography),

Phase 6- Additional foul for Phase 6, gravity fed to pumping station,

A submission from Irish Water note no objection to the overall proposal. This pumping station will be designed to accommodate between 3,000- 5,000 pe. The impact of the proposed main pumping station to the south, adjoining two existing dwellings is detailed below under Noise and Vibration.

Water: A connection to an existing pipeline in the Dublin Hill area, c. 780m to the west of the site will include a new a submission from Irish Water indicates that a connection can be facilitated.

Surface Water: The site rises from the east to west mainly from 65m OD to 130m OD although this varies at different points. Surface water discharge from the site is via two outfall points, one for Neighbourhood 4 (to the north of the site along the Ballyhooley Road) and the other for the rest of the site. Surface Water discharge is via a combination of attenuation, infiltration and SuDS measures controlled to a flow similar to Greenfield rates. The use of swales and other SuDs measures are included for ground recharge. The report from the Drainage Department of the PA

notes the more conservative calculations for the discharge rate and the SuDS Strategy Report, and has no objection to the proposals.

Flooding: The site is not located within a Flood Zone. Section 3.4.118 of the LAP refers to the area draining naturally South West to the Gen River at Ballyvolane Crossroad via a number of streams and to the River Lee. SuDs measures are required to ensure no flooding downstream. **A Site Specific Flood Risk Assessment** finds the site is not at risk or cause any flooding downstream.

Potential Impact: Potential Impacts include alteration to the ground/ surface water regime by drainage, change to hard standing due to construction and contamination from the construction.

- The proposed development will not give rise to any likely significant long-term effects.
- Slight negative effects will be experienced during the construction phase with disruptions to supply caused by local connections which will be temporary in nature. During the operational phase there will be no significant environmental effects.

Mitigation measures: are outlined within Section 6.7 and include the use of CEMP to prevent water pollution and management of storm-water runoff, re-routing of the 38Kv line with all IFI guidance and good management of the site,

Cumulative Impact- No significant permissions or projects exist in the vicinity of the site which would have a cumulative impact on the hydrology of the site or vicinity.

I have considered all the submissions made in this regard. I am satisfied that potential adverse direct, indirect or cumulative effects on hydrology and water have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

10.7. **Air Quality and Climate**

Chapter 7 of the EIAR deals with Air Quality and Climate.

Current air quality in the area is considered good with levels of nitrogen dioxide, carbon monoxide and benzene below National and European Union (EU) levels. Cork is located in Zone B.

Potential Impact: The greatest potential from Construction Phase is from dust emissions. A Dust Management Plan includes mitigation measures specific to construction activities.

Potential Impact from Operation is from vehicle emissions and results from a vehicle emissions air dispersion modelling study indicate the impacts imperceptible in the short and long term and levels of traffic-derived air pollutants will not exceed the ambient air quality standards with the proposed development in place.

Reference to the Climate Act and low Carbon Development Act 2015 is provided. Increase levels of CO₂ emissions to 2029 will be equivalent at most to 0.001% of Ireland's total. No reference to modal split, number of traffic movements and integration of sustainable travel modes etc. are integrated into the projected figures for future emissions.

Mitigation measures listed in Section 7.4 relate to the use of environmental management practices during construction.

I have considered all the written submission received in relation to this topic. I am satisfied that any impacts from the construction activities will be appropriately mitigated and the proposed development will have no significant adverse direct, indirect or cumulative effects are likely to arise. Concern is raised over the absence of the EIA to adequately reference the impact on the climate and in turn compliance with the Climate Act and low Carbon Development Act 2015.

10.8. **Noise and Vibration**

Chapter 8 of the EIAR deals with Noise and Vibrations.

A baseline environmental noise survey monitoring was undertaken to determine the range of noise. The main impacts from the construction are predicted to be generated from traffic and having regard to the surrounding road network the impact will be imperceptible long-term and neutral. The construction activities will be restricted to 65 dB L_{Aeq} and will be no greater than 75 dB L_{Aeq} (pneumatic saw) at restricted times.

Potential noise impacts from the operation phase relate to small residential sub-stations which are well sealed to control noise. Noise levels from commercial and crèche are short term and neutral.

The impact of the pumping station will be reduced by locating pumps underground and in concrete block enclosures, the emergency generator may exceed the noise limits although would only be used in emergency situations. The noise from the large station will not exceed 48 dB L_{Aeq} 1m from the site from the dwellings to the south.

Mitigation measures outlined in Section 8.5, to control noise and vibration during the construction phase include the use of CEMP. No mitigation is considered necessary for the operational phase.

Cumulative noise impacts associated with traffic generated from other development in the surrounding environment have been assessed and the overall impact is deemed to be long term and not significant. Residual impacts during construction phase will be short term moderate while during operational phase will be neutral, long term and not significant.

I have considered all the written submission received in relation to noise and vibration and I do not consider there is a significant adverse direct, indirect or cumulative effects are likely to arise.

10.9. Material Assets: Utilities, Services and Waste

Chapter 9, Part A of the EIAR deals with the topic of the utilities.

The 38kv line will be re-routed under the ground and is assessed in the water section with regard impact on the hydrology of the site. The 110Kv line Kilbarry to Knockraha will remain on site and a 40m wayleave with no dwellings is included in the design.

The proposed development would substantially increase the housing stock of the area on zoned land. The provision of a pumping station would allow additional capacity for the surrounding area. It is stated that therefore the proposal would have a significant positive impact on the material assets available in the area. I am satisfied that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of material assets.

Material assets relating to the provision of infrastructure is dealt with in other sections and the site will be adequately serviced by the public system.

10.10. Material Assets: Traffic

Chapter 9, Part B of the EIAR deals with the topic of material assets: traffic and transportation. The information provided in this chapter reiterates that information

collected in the TTA and provides an analysis of the proposed works, the inclusion of facilities for pedestrian and cycle facilities along 2.3km of the Ballyhooly Road, bus stop on the Ballyhooly Road and bus route provision through the site. An incremental modal shift from 13% to 45% is proposed by the design year 2029. It is planned the Northern Distributor Road will be completed in 2031 and will support the expansion of the remaining area.

The enabling works for the proposed development, transport routes are detailed in the CEMP and include bulk excavation of parts of the site. The report notes the surrounding transport network will be sufficient to accommodate the construction traffic.

As further discussed in the detailed Traffic and Transport assessment below, I have serious reservations relating to the absence of any integration to that portion of the NDR (Mayfield to Kilbary Link Road) located within the applicant's lands to the south of the site. The applicant has set aside these lands for future development although in the interest of proper planning the expansion of the UEA should integrate this essential infrastructure and support the sustainable transport nodes proposed from 2031. The submission from the PA has queried calculations for the modal split proposals from 2023 onwards and notes not traffic forecasting provided for 5+ year and 15+ year scenarios in line with the TII Traffic and Transport Guidelines (2014). Further queries are raised over the capacity of Junction 4 & 5.

In this instance I do not consider a robust and detailed assessment of the implications of the increase in traffic generated from the proposed development is integrated into the EIAR and I am not satisfied that the impact of the proposed development has been appropriately addressed in terms of the application and the information submitted by the applicant and that the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of material assets.

10.11. Biodiversity

Chapter 10 of the submitted EIAR deals with biodiversity.

A desk top analysis and biodiversity impact appraisal of the proposed development takes into consideration the features of interest on the site and works proposed. An Ecological Impact Assessment accompanied the EIA (Appendix 10).

Bat surveys undertaken on the site to assess the presence of potential bat roosts in the trees in the site and where rated for potential use. The survey confirmed that the site does not support any structures with potential to support roosting sites. The works will be undertaken to limit the period on bat activity. A bird and species survey noted no species of national or international significance recorded on the site. A project Ecological Clerk of Works will be involved during the construction stage.

An assessment of all those European Designated Sites within a 15km radius is included in the assessment with no significant negative impact recorded. A Natura Impact Statement accompanied the application and I have undertaken a stand-alone Appropriate Assessment below which concludes no significant negative impact on the qualifying criteria of any European Sites.

I note the location of the site, which is zoned in the development plan, and the proposal to integrate ecological features, designated open space and landscaping and I do not consider the proposal will have a significant negative long term impact on the biodiversity on the site.

I have considered the written submissions made in relation to biodiversity, the information in the EIAR and the NIS and I do not consider the proposed development will have any significant adverse direct, indirect or cumulative effects on biodiversity are likely to arise.

10.12. Cultural, Archaeological and Architectural Heritage

Chapter 11 of the EIAR deals with this topic.

Three NIAH features are located within the c. 800m. There are c. 23 archaeological features within the vicinity of the site, all underground. A desktop assessment of each of these has been undertaken and the proposal will have no short or long term impact on any feature of archaeological or architectural heritage.

I have considered all of the written submissions made in relation to this topic and I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions and I consider the proposed development would not have unacceptable direct, indirect or cumulative impacts in terms of cultural, archaeological and architectural heritage.

10.13. Landscape and Visual Amenity

Chapter 12 of the EIAR deals with landscape and visual amenity.

The site is located in an area designated as a high landscape area in the Cork County Development plan. The subject site slopes steeply from the Ballyhooley Road along the west (65m OD) to the west (130m OD). As stated above cut and fill is required and the Statement of Consistency includes the design of the local distributor road as the least impact on the site.

Landscaping plans submitted illustrate the hedgerows to be removed and retained. Woodland planting in abundance is proposed along those embankments to the rear of dwellings. 580 roadside trees are proposed and 986 specimen trees to be planted. Higher apartment buildings are located along the lower slopes in Neighbourhood 6, adjoining the Ballyhooley Road.

Photomontage illustrations taken from 16 different viewpoints mostly note no significant change. Those with a high adverse change are mainly from locations along road edges and therefore I consider the creation of urban edge in a city location would not be considered a not long-term negative impact.

I have considered all of the written submissions made in relation to landscape and visual impacts, undertaken a detailed assessment of the matter in the main assessment above, and I am satisfied that all the issues have been addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on the landscape or visual amenity of the area are likely to arise.

10.14. Interaction between Environmental Factors

Interactions between environmental factors are analysed within each of the separate chapters and Chapter 14 of the submitted EIAR consolidates and deals with interactions between environmental factors. An overall analysis of the main interactions between each of the environmental factors, which phase of interaction and the significance of effect. The most significant impacts identified relate to the construction phase and population human health, in particular noise and construction, air and dust etc. Mitigation measures including a CEMP, as discussed above, will prevent any significant negative impact from the construction phase.

Other specific interactions have been included in each of the environmental topic chapters of the EIAR with appropriate mitigation measures included and co-ordination between environmental specialists. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

The primary interactions are summarised in the EIAR as follows:

- Population and Human Health and Air Quality & Climate,
- Noise & Vibration, Water & Hydrology, Traffic & Transport, Landscape & Visual Impact and Material Assets,
- Land & Soils, Traffic & Transport, Water & Hydrology, Material Assets (Waste Management), Noise & Vibration, Air Quality & Climate, Biodiversity, Population & Human Health and Landscape & Visual Impact,
- Traffic & Transport and Air Quality & Climate,
- Noise & Vibration and Traffic & Transport,
- Biodiversity, Water & Hydrology and Landscape & Visual Impact.

I have considered the inter-relationships between the factors and whether these might as a whole affect the environment, even though effects may be acceptable when considered on an individual basis. Most inter-relationships are neutral in impact when the mitigations measures proposed are incorporated into the design, construction or operation of the proposed development.

As per the refusal reason below and my assessment above, I consider the interaction between the Traffic & Transport and Air Quality & Climate requires further assessment, particularly having regard to absence of realistic consideration of modal split and sustainable transportation options.

10.15. **Cumulative Impacts**

The main cumulative impacts relate to the proposed development to other developments in the vicinity of the site which mostly relate to the expansion of Cork City. The impacts on the surrounding area and interaction on environmental factor is included these cumulative impact and will be subject to the necessary environmental mitigation. In addition, each individual section includes an assessment of the

cumulative impact which I have noted and I do not consider the residual cumulative impact is significant.

10.16. Reasoned Conclusion on Significant Effects

Having regard to the examination of environmental information in the EIAR, other information in the plans and particulars and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A long term impact on population will be positive and will comply with the national target for the expansion of major cities. Impact on human health will be neutral in the long-term.
- Short term impacts from noise and vibration during construction is likely and will be restricted to levels required in best practice guidance.
- A significant amount of cut (186,832m³) and fill (152,436m³) will be mitigated by the reuse of materials throughout the construction, including the contouring of lands to the east for the school site.
- The proposal for public connection to the water, integration of SuDS measures and design capacity of the proposed pumping station for the larger Ballyvolane area will have a positive long-term impact.
- The impact of the construction activities on the air and climate will be mitigated by the use of good environmental construction practices. The long-term impact on the climate, in particular those CO₂ emissions from traffic patterns have not been adequately addressed in the assessment.
- The servicing of the site will provide a long-term positive for the material assets and the upgrade of the Ballyhooley Road and will provide a long-term positive for cyclists and pedestrians.
- Biodiversity impacts, which will be mitigated by construction management measures, protection of trees to be retained and landscaping.
- Landscape and visual impacts, which will be mitigated by the design and landscaping proposal which will reflect the topography of the site and

integrate large expanses of open space with planting and tree/planting plans and monitoring,

The likely environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

11.0 Appropriate Assessment

11.1. The application has been accompanied by a Natura Impact Statement which details the proposed development, the potential impacts and the mitigation measures. The application has not been accompanied by a screening and I have carried out a stage 1 assessment below.

11.2. Stage 1: Screening for Appropriate Assessment

The site is not designated for any European Site. Three European sites are located within the vicinity of the site which have the potential to be impacted. The Blackwater River (Cork/ Waterford) SAC is (002170) 12km to the north of the site, the Cork Harbour SPA (00430) 2.8km North West and 6.8km to the North West of the Great Island Channel SAC (001058) as detailed below.

Table 10 - European sites assessed for the purpose of screening.

Site name and code	Distance from the site	Qualifying Interest
Blackwater River (Cork/ Waterford) SAC	c.12km north	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation [3260]

		<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>
Great Island Channel SAC (001058)	c.6.8 km to the south east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p>
Cork Harbour SPA (00430)	c. 2.8km to the south east of the site	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p>

		<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
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- 11.3. The Blackwater River (Cork/ Waterford) SAC contains a number of marine dependant habitats and species. The site is not connected to this SAC and is located c. 12km to the south. Having regard to the distance and in the absence of any hydrological connectivity I do not consider the proposed development is likely to have a potential impact on this SAC.
- 11.4. The Great Island Channel SAC (001058) contains two marine habitats. The submitted NIS notes no direct hydrological link to this SAC although notes the potential run-off of pollutants from the construction work on a received watercourse to the west of the Ballyhooly Road which ultimately flows into the Cork Harbour SAC. This water course connects to the site via field drains and culverts and is c. 128m south west. The NIS refers to the inclusion of mitigation measures to prevent any negative impact on the Cork Harbour. Having regard to the distance of the watercourse and use of mitigation measures I consider it reasonable to include this site in a Stage 2 assessment.
- 11.5. The Cork Harbour SPA is located c. 2.8km to the south east and supports 24 Species of Conservation Interest. The habitats within this SPA have been noted in the NIS as intertidal areas in Cork Harbour and having regard to the location of the watercourse etc., detailed above, a Stage 2 assessment was deemed necessary. Having regard to the distance of the watercourse and use of mitigation measures I consider it reasonable to include this site in a Stage 2 assessment.
- 11.6. I note the scale and nature of the proposed development, the location of the site, the habitats on the site and the information contained in the Screening Assessment, in particular the specific conservation objectives, the absence of any source-pathway-receptor to those specific European sites listed above. I consider it reasonable to conclude that on the basis of the information on the file, which I consider adequate in

order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites,

- Blackwater River (Cork/ Waterford) SAC

or any other European Site, in view of the site's Conservation Objectives, and that (Stage 2) appropriate assessment (and submission of an NIS) is not therefore required.

11.7. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites. Therefore the stage 2 assessment relates only to the Great Island Channel SAC (001058) and the Cork Harbour SPA (00430).

Stage 2: Appropriate Assessment

11.8. Compliance with Article 6(3) of the Habitats Directive

Section 177V of the Planning and Development Act 2000 (as amended) requires that an Appropriate Assessment in respect of a development carried out by An Bord Pleanála shall include a determination under Article 6(3) of the Habitats Directive as to whether or not a proposed development would adversely affect the integrity of a European site. This is the case where the possibility of significant effects on a European Site cannot be excluded under Section 177U.

11.9. Reports and references including consultation

The applicant's NIS was prepared in line with current best practice guidance using available public information from the NPWS and site surveys. The NIS provides an assessment of impacts of the construction and operational activities of the proposed development and considers the mitigation measures.

Cork Harbour SPA (00430).

11.10. The Cork Harbour SPA is located c. 2.8km to the south east and supports 24 Species of Conservation Interest. The habitats within this SPA have been noted in the NIS as intertidal areas in Cork Harbour. The site is indirectly connected to Cork Harbour, via a culvert and field drain to a watercourse on the west of Ballyhooley Road which connects to the Glen River flowing downstream to meet the River Lee which flows into Cork Harbour.

11.11. Cork Harbour is internationally important for wintering waterfowl. The information in Table 3-4 of the NIS notes a large number of the SCI as declining on the site including the Great Crested Grebe, Oystercatcher, Golden Plover, and Redshank. Thirteen other SCIs listed for the site are increasing or stable. Table 3-6/7 of the NIS indicates the greatest impacts on the SCI relate to the impact on the salt marsh habitat which is stable.

11.12. Potential Impacts from the Construction activities relate to the uncontrolled run-off from pollutants such as concrete, hydrocarbons or improper drainage from contractors compounds to enter groundwater or drainage ditches. In relation to the operational impacts the NIS identified potential contamination of runoff where there was no hydrocarbon interceptors from the attenuation, storm water or soakpits.

11.13. Mitigation measures include the implementation of best practice design and construction and operational measures to prevent any negative impact on the European Sites. These measures are detailed below:

- Use of a CEMP for site management during construction,
- Use of settlements ponds for the site stripping,
- Bunding of areas used for fuel and oil storage,
- Use of a hydrocarbon interceptor prior to discharge of any surface water,
- The integration of Stormtech attenuation chamber storage in the SuDS measures.

11.14. I note the distance of the site from the Cork Harbour SPA and the qualifying interest of the species and associated habitats they rely upon and I consider the inclusion of those mitigation measures detailed in the NIS and the accompanying plans and particulars sufficient to protect the water quality and prevent any negative impact.

11.15. Having regard to my assessment above for Cork Harbour SPA, the information in the NIS and the plans and particulars I am able to ascertain with confidence that the project would not adversely affect the integrity of the Cork Harbour SPA (00430) either on its own or in combination with any other plan or project.

Great Island Channel SAC (001058)

11.16. The Great Island Channel SAC is located c.6.8 km to the south east of the site. Two intertidal habitats, intertidal and salt meadows, are listed as qualifying criteria. The Great Island Channel SAC is located adjacent to the Cork Harbour and overlaps with the Cork Harbour SPA. The site is indirectly connected to Cork Harbour, via a culvert and field drain to a watercourse on the west of Ballyhooly Road which connects to the Glen River flowing downstream to meet the River Lee which flows into Cork Harbour.

11.17. Potential Impacts from the Construction activities relate to the uncontrolled run-off from pollutants such as concrete, hydrocarbons or improper drainage from contractors compounds to enter groundwater or drainage ditches. In relation to the operational impacts the NIS identified potential contamination of runoff where there was no hydrocarbon interceptors from the attenuation, storm water or soakpits.

11.18. Mitigation measures include the implementation of best practice design and construction and operational measures to prevent any negative impact on the European Sites. These measures are detailed below:

- Use of a CEMP for site managements during construction,
- Use of settlements ponds for the site stripping,,
- Bunding of areas used for fuel and oil storage,
- Use of a hydrocarbon interceptor prior to discharge of any surface water,
- The integration of Stormtech attenuation chamber storage in the SuDS measures.

11.19. I note the distance of the site from the Great Island Channel SAC and the qualifying interest of the site and I consider the inclusion of those mitigation measures detailed in the NIS and the accompanying plans and particulars sufficient to protect the water quality and prevent any negative impact.

Having regard to my assessment above for Great Island SAC, the information in the NIS and the plans and particulars I am able to ascertain with confidence that the project would not adversely affect the integrity of the Great Island Channel SAC (001058) either on its own or in combination with any other plan or project.

Conclusion

11.20. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the 2 no. European sites listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

12.0 **Assessment of Other Issues**

In addition to the issues addressed in the Environmental Impact Assessment above, the main issues relating to this application are:

- Ballyvolane Urban Expansion Area (UEA)
- Traffic and Transport
- Design and Layout

Ballyvolane Urban Expansion Area (UEA)

12.1. The site is currently agricultural and is located on the most northerly aspect of Cork City. The subject site and surrounding lands have recently been subsumed into the Cork Metropolitan area. The Southern Region Assembly RSES identifies Cork Metropolitan Area for significant growth. The site is located in the Cork City Northern Environs Area and Section 3.4 of the Cobh Municipal District Local Area Plan (MD LAP) 2017 provides guidance for the expansion of this area, emphasising the need to provide support for up to 3,600 new dwellings through a phased programme of development. The principle of residential use on these lands is acceptable.

12.2. The site (c. 46ha) forms part of a larger plot of land (336.2ha) which makes up the Ballyvolane Urban Expansion Area (UEA) as detailed in the Cobh MD LAP 2017. Specific Objectives relating to the development of the area are listed and linked to maps in the LAP. Table 3.4.2 provides an Indicative Development Programme for the phasing of lands in Ballyvolane, linked to the roll out and delivery of essential service and infrastructure. The site includes lands zoned as medium residential (NE-R-08, NE-R-09, NE-R-10), Urban Park (NE-O-04) and community (NE-C-01). The delivery of these objectives are detailed separately below. Compliance with specific

policy objectives relating to roads is dealt with separately in the Traffic Section below.

Local Area Plan Objectives.

- 12.3. The applicant owns an additional two parcels of land in the vicinity of the proposed development, the closest is located directly to the south of the site and the second to the west on the opposite side of the Ballyhooley Road. The lands to the south of the site are contiguous to the proposed development and include lands zoned as Public Park, residential and there exists an indicative route for the Northern Distributor Road (NDR) (Mayfield to Kilbarry Link Road). The supporting documentation refers to the set aside of these lands for the future development of the NDR. A Draft Section 47 Agreement is included with the application for those lands required for the public park and road. No future proposals are include for those residential ZONED lands along the front of the Ballyhooley Road, which is located directly adjacent, south, of the proposed apartment development neighbourhood 6.
- 12.4. Table 3.4.2 of the LAP, lists a number of phasing requirements for the Ballyvolane area, prior to commencement of development and for the delivery of Phase 1 (0-1,175 units). The delivery of housing is linked to the provision of certain transport/roads infrastructure, water services infrastructure, surface water including significant road and connection upgrades. For the Boards information the requirements outlined in Table 3.4.2 are outlined as follows:

Prior to commencement of development

- Transport- Complete Regional Transport Assessment/ Detailed design provides for the relevant road upgrades and new roads required, Identify a package of upgrades for the Northern Relief Road R635 and Bus corridors to the City Centre
- Water Services- Irish water commence a review for the water needs and waste water capacity.
- Surface Water Management- Undertake a SuDS Study to include land take for retention/detention pond to serve the entire lands
- Open space- Complete a landscape strategy.

Phase 0-1,175 units

- Transport- Identify and commence planning of the upgrading of the Ballyhooley Road for pedestrians and cyclists, plan and provide the construction of 2.2km link road from Mayfield to Kilbarry, plan and provide the implementation of cycling and walking network in the site onto Ballyhooley Road.
- Water- Provision of Water Supply reservoir, provision of waste water treatment and collection, implementation of SuDs Study Recommendations including site specific arrangements.
- Open space- Partial provision of the 20 ha public park.
- Retail- 10,000m² of retail/commercial
- Education- 16 classroom primary school
- Community- Childcare, health centre, community building, implement the recreational and amenity strategy.

Retail and Community

- 12.5. The site contains a large area zoned for community zoned lands. Specific Policy NE-C-01 requires a proposed primary and secondary school campus with playing pitches. Fig 3.4.4 and Section 3.4.105 of the Cobh MD LAP 2017 illustrates the location of the proposed district centre for Ballyvolane at the south of the UEA close to the Foxes and Hound junction and in proximity to the existing Aldi and Dunnes stores. The location of this district centre is outside the applicant's site and the LAP indicates that the NDR route (Mayfield to Killbarry Link Road) will connect the south of the site to the district centre.
- 12.6. The applicant has set aside lands for future use by the Department of Education. The plans include indicative illustrations for a future development. The Department responded to the applicant's consultation on the EIAR to confirm that there was currently no requirement for a school in Ballyvolane, although this position will be reviewed. I consider the set aside of the lands is sufficient to comply with the requirements of the LAP for educational facilities. The proposed development

includes 2 no. retail units (124.4m² & 178.8m² GFA), a community centre and Doctors Surgery. The submission from the PA notes the limited site of the community centre and recommends a conditions for the provision of a larger facility, which I consider reasonable. The connectivity of the site to the designated district centre is questionable, having regard to the absence of future infrastructure links (NDR), further discussed in more detail below.

Urban Park

12.7. The delivery of the public park is a specific objective of the LAP for the Ballyvolane Expansion Area NE-O-04 (public park zoning) *“Urban Park including passive amenity with walkways and cycle ways provided connectivity to the commercial centres”*. I note the proposed development includes lands set aside for part of the designated urban park (3ha), subject to a future Section 47 agreement. This urban park zoning extends south into lands within the applicant’s ownership which have been excluded from the application. The documentation does not include any justification for the exclusion of these lands from the proposed development. The applicant’s statement refers to a Landscape Strategy for the entire UEA to comply with the above objective. I note the submitted Landscape Design Report refers only to the subject site and excludes the delivery of the urban park. The proposed development for 753 no. units forms a substantial element of the delivery of Phase 1 of the UEA and would justify the inclusion of the urban park within the application. I consider the integration of this park within the overall proposal would ensure the delivery of the LAP objectives, remove an excessive provision of open space provision throughout the remaining scheme and allow for an increase in density in the development, as discussed in further detail below.

Section 47 Agreement

12.8. In terms of delivery of infrastructure within the site and the necessary compliance with the LAP the applicant refers to a proposed draft Section 47 for the following, or as otherwise agreed, for the provision of:

- a) Maintain open access to the “Application Park Area” from completion of the park until such time as the park is taken in charge by the Council.
- b) Maintain the residual c. 17 Ha of lands zoned NE-O-04 in the ownership/control of the Applicant in an open grassland use as specified by

the area's zoning designation. This will continue until the lands are acquired by Cork City Council, should they be required to form part of the 20 Ha Park objective for the Urban Expansion Area, or their use is otherwise defined with the resolution of the alignment of the Mayfield -Kilbarry Link Road to the satisfaction of the Council.

12.9. The PA submission recommends the imposition of a condition requiring the applicant to enter into a formal Section 47 agreement in relation to delivery of infrastructure required as follows:

- a) Lands zoned as Passive Amenity Space
- b) The Mayfield Kilbarry Link Road,
- c) Lands that form part of an upgrade of the Ballyhooly Road,
- d) A proposed distributor road to serve third party lands and later phases of the UEA,
- e) Proposed foul and surface water services.

12.10. I consider there are significant discrepancies between the Draft Section 47 submitted by the applicant and the proposed Section 47 required by the PA. There is no clarity as to the requirements for the delivery or otherwise of essential infrastructure.

Conclusion

12.11. The statement of consistency refers to the objectives of the LAP stating that these are not restrictive and the proposed development is not dependant on the delivery of any infrastructures. Whilst I note the information in Table 3.4.2 is indicative, those specific objectives are linked to the co-ordinated approach to the delivery of a large expansion area of Cork City and compliance with these requirements represents the planned delivery of housing. I do not consider the submitted Draft Section 47 agreement provides any definitive approvals or timescale by way of an implementation plan to deliver the transport infrastructure or other facilities and services required as set out in Table 3.4.2 of the LAP. The absence and integration of these critical studies and infrastructural requirements is discussed in detail below, represents a sets an undesirable precedent for future development. Therefore the proposal is premature.

12.12. The proposed development has been advertised for a 10 year permission. It includes the provision of a 2 no. pumping stations and upgrade of the R 614 Ballyhooley Road, which the applicant considers significant infrastructure provisions. The Strategic Housing Legislation is a process to fast track the delivery of housing, although having regard to the works required on the site for the rerouting of a 38kv line, the quantum of housing and the upgrade of the regional route, I consider it justifiable to permit an extended lifespan for the proposed development, should the Board decide to grant permission. I consider a 7 year permission would be sufficient.

Traffic and Transport

12.13. The site is bound to the west by the R614, Ballyhooly Road, and to the north by a local road L2976, which provides access to one-off dwellings. The proposal includes three new vehicular accesses into the site. The first two “Priority T Junctions” are located along the Ballyhooly Road.

12.14. The Cobh Municipal District Local Area Plan (MD LAP) 2017 includes an indicative map of the Ballyvolane UEA. Four specific roads objectives relating to the subject site are listed below:

- NE-U-02—Internal distributor road south of the school site,
- NE-U-03- Local Distributor Road from the Ballyhooly Road to the L2976
- NE-U-05- Upgrade of the Ballyhooly Road,
- Mayfield to Kilbarry Link Road

12.15. The southern entrance provides access for the local distributor road NE-U-03. The northern entrance along the Ballyhooley Road provides sole access for Phase 4 (c. 52 units). The third access, north of the site, is onto a local road L2976. Upgrade works along the Ballyhooly Road (R614) to facilitate pedestrian and cycle route are proposed. The proposed development also includes an upgrade of a junction from priority-controlled junction to a signalised junction, to the south of the site on the opposite side of the Ballyhooly Road, Kilbarry Link Road/ Ballyhooly Road.

12.16. The application is accompanied by a Traffic & Transport Assessment (TTA) which provides an assessment of the impact of the proposal on the surrounding network with specific reference to 6 no. junctions in the vicinity of the site. The TTA assumes

a medium growth, using a design year of 2029 for the delivery of units over 10 years and includes modal shift to public transport and non-vehicle use in the area from the current 13% to 45% for the design year (based on a site in Blanchardstown area).

12.17. Two significant transportation reports currently exist, for the surrounding area, which are relevant to the subject site. The Draft Cork Metropolitan Area Transport Strategy (CMATS) 2040, undertaken by the National Transport Authority (NTA) was on public display in 2019. This report highlights the regeneration of Ballyvolane UEA within appropriate access by bus service via a Bus Connects route along the Northern Distributer Road (NDR). The second report, the Ballyhooly Strategic Transport Corridor (BSTC) Scheme, includes a specific project for the North Ring Road to Ballincolly (June 2019) where the provision of pedestrian and cycle facilities along the Ballyhooly road are required.

12.18. A submission from the Transport Section of the PA notes no objection subject to the removal of the access onto the L2976, to the north of the site and the protection of the Northern Distributer Road (NDR) and the lands reservation along the Ballyhooly Road. Further alterations to the design include an additional connection from Neighbourhood 4 to the local distributor road, clarification of the gradients of internal road (8%) and DMURS compliance, compliance with the public transport proposals of the BSTC project and calculations of the modal shift in the TTA. The absence of any analysis of the proposed entrance to the north-east of site (L2976) and the upper entrance onto the Ballyhooly Road from the TTA was noted by Transport Section. I have provided an assessment of the different components relating to traffic and transport separately below.

Modal Shift

12.19. The TTA details the phasing and roll out of roads infrastructure for the proposed development. An incremental modal shift from 13% to 45% is proposed by the design year 2029. It is planned the Northern Distributer Road will be completed in 2031 and will support the expansion of the remaining area. The predicted modal split is based on a similar development in Blanchardstown, Co. Dublin.

12.20. The submission from the Transport Section of the PA questions the calculations of the modal split, 45% by 2025 which is based on the assumption that Phase II of the BSTC will be delivered. The submission notes the applicant has not included these

works in the proposed development. No Mobility Management Plan has been submitted with the application or the EIAR and a clear plan on the promotion of sustainable travel is not integrated into the scheme. I note the absence of the NDR route from the proposed development, further detailed below. The Draft Cork Metropolitan Area Transport Strategy (CMATS) 2040 includes this link road for as a priority bus route.

12.21. Having regard to the absence of a Mobility Management Plan, any clear criteria for the assumption of 45% modal shift and the comparison to a site in Blanchardstown which is currently served by a well-established public transport network, I consider the proposed modal shift is not justified.

Ballyhooley Road Access.

12.22. The Cork City Northern Environs 2 Map in the LAP illustrates two main access points into the UEA from the Ballyhooley Road, a section of the Northern Distributor Road (NDR) (Mayfield to Kilbarry Link Road) and a local distributor road into the site (NE-U-O3). The applicant has included road NE-U-03 as the main access into the site and set aside lands for the NDR for future development as discussed in detail below. Two vehicular access routes are proposed from the Ballyhooley Road and one noaccess to / from the local road to the north of the site, further discussed below.

12.23. The main access, NE-U-O3, local distributor road sweeps around the site following the contours. The applicant's documentation submits that the LAP route has not been adhered to in order to prevent cut and fill. Whilst I note this local distributor road is excessive in length **and does not**, I accept the rationale for the design. In terms of the second proposed entrance to the north of the site I note only access to Neighbourhood 4 (N4) is provided. Pedestrian access is provided to the rest of the scheme by pedestrian links although the Transport Section of the PA have requested vehicular links also.

12.24. The provision of two access points from the Ballyhooley road, one with restricted access, fails to provide a holistic approach to the transport provision on the site. A condition amending the internal network would address the concerns raised by the PA although having regard to other issues raised below relating to the internal configuration and access to the north, L2976, I consider an amended TTA would be necessary.

Local Distributor Road- NE-U-03

- 12.25. The identified local distributor road into the site from Ballyhooley Road is illustrated as radiating from the main road, east to the urban park and then sweeps around the park to provide access to the remaining residential lands. The TTA states that the main access road will serve as a distributor road, in line with DMURS, that progresses through the entire UEA (Urban Expansion Area) providing for future public transport routes. This has a gradient that exceeds 5% in short rising sections in order to manage topographical changes but is consistent with DMRB in this respect and DMURS where residential units and parking faces this road..
- 12.26. The location of the distributor road is not in compliance with the specific objectives of the LAP. The applicant's design statement notes the initial inclusion of the distributor road, although on foot of preplanning discussions to reduce the level of cut and fill on the site, the route of the road has been extended to follow the gradients of the site. Whilst I note non-compliance with the LAP relates to the reduction in cut and fill on the site, As detailed above, I consider the amended location of the local distributor road acceptable

Ballyhooley Road Upgrade.

- 12.27. Section 1.7.50 of the Cobh MD LAP 2017 identifies the R635/R614 Ballyvolane as a Gateway entrance point into the Cork a junction south of the site, separated by a significant amount of neighbourhood facilities. The TTA makes reference to a "Northern Corridors Study" which includes proposals to upgrade the Ballyhooley Road up to the southern aspect of the subject site, from the start of the applicants land holding. Works required for Phase 1 (Table 3.4.3 of the LAP) of the UEA includes an upgrade of the Ballyhooley road for pedestrians and cyclist.
- 12.28. The proposed upgrade extends from the proposed treatment plant to the south of the site up to the northern aspect of Neighbourhood 1. The access into Neighbourhood 4 is separated by lands in separate ownership. The proposal does not include any details of cycle facilities along the front of Neighbourhood 4, adjoining the Ballyhooley Road. The inclusion of these works would allow the future connection and comply with the objectives of the BSTC ensuring sustainable travel patterns.
- 12.29. Having regard to the absence of any cycle facilities along the R614, Ballyhooley Road, along the entrance to Neighbourhood 4, the proposed development does not

comply in full with the objectives of Phase 1 of the LAP and the appropriate expansion of the UEA.

Access onto the L2976

12.30. The local road along the north L2976, connects the R614 to the Rathcooney Road and serves a large number of one-off dwellings. The existing road is substandard and can only accommodate one car at certain locations. Both vehicular and pedestrian access are proposed onto the local road. A significant amount of the third party observations, from those existing residents along the road, raised concern over the increase in traffic and the impact on their residential amenity. The submission from the PA requested that a condition to remove access onto the L2976 is included in any grant of permission.

12.31. The submitted TTA fails to include any assessment of the impact of the proposed development on the junction with the L2976 and the R614. Upon site inspection it was noted that the road was lightly trafficked, although this was not during peak times. I noted the restricted width of this local road and the absence of any footpath provision. I consider that any substantial increase in pedestrian or vehicular traffic along this road would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists. I do not consider the removal of the proposed access onto this road can be conditioned without a material alteration to the overall design of the scheme and further amendment to the layout and vehicular access arrangement should be integrated into a TTA.

12.32. Therefore, having regard to the substandard design of the L2976, the absence of any traffic impact in the TTA and the potential increase of 1,330 cars alongside pedestrians and cyclists directed onto this route, I consider the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

Mayfield to Kilbarry Link Road

12.33. The Mayfield to Kilbarry Link Road forms part of the Northern Distributor Road (NDR) and is located to the south of the site on lands within the applicant's

ownership. Section 3.4.92 of the LAP states that the road connecting Mayfield to Kilbarry is a critical piece of infrastructure necessary to alleviate congestion at other junctions. Table 3.4.2 of the LAP also requires the construction of a 2.2km link road from Mayfield to Kilbarry for Phase 1 development. The proposed development does not include any proposals to deliver this road and the applicant states these lands will be set aside for future development by Cork City Council. The applicant's supporting documentation notes there is no obligation to provide this road as part of any development in the LAP area.

12.34. Section 3.5.4 of the accompanying TTA refers to the Draft Cork Metropolitan Area Transport Strategy 2040 (CMATS) which identifies the importance of the NDR and the Mayfield to Kilbarry Link Road to support the transportation requirements for the delivery of the population projections to the Ballyvolane UEA. The delivery of this work is projected to be 2031 and therefore the TTA only used the design year to 2029 as it is believed the NDR will support additional modes of transport including pedestrian//cycle. A medium growth rate scenario has been applied and the figures have not been reduced to account for the modal shift from the Ballyhooley Strategic Transport Corridor (BSTC) Scheme.

12.35. The applicant proposes to deliver this housing scheme over 10 years, up to 2030. The submitted TTA based the design year of the assessment at 2029 and assumes the delivery of this section of the NDR in 2031. The applicant has not included those additional residential zoned lands adjoining the NDR route in the proposed development. The Mayfield to Kilbarry route joins the R614 opposite the Ballyhooley/Kilbarry junction which is included for an upgrade to a signalised junction. The phasing and delivery of up to 1,175 dwelling units in this Ballyvolane UEA is reliant on the 2.2km link road. Having regard to the substantial number of residential units in the proposed development which represents 65% of Phase 1 of the LAP delivery, the proposed works along the Ballyhooley Road including the upgrade of the junction directly opposite the route selection and the application ownership of the site, I consider the integration of future proposals and potential connectivity of this site to the NDR is required to support a robust TTA and support sustainable travel patterns for the future expansion of Cork City.

Internal Roads Configuration

- 12.36. As stated above the proposed development includes three new access points, two onto the Ballyhooley Road and the third onto the L2976 to the north. Section 3.3 of the Design Manual for Roads and Urban Streets (DMURS) provided guidance on permeability and connectivity in new residential developments where layouts should lead to other streets, limiting the use of cul-de-sacs that provide no through access. The layout of the five neighbourhoods focuses primarily on the provision of cul-de-sacs for e.g. Neighbourhood 1 includes 5 cul-de-sacs, Neighbourhood 2 includes 7 cul-de-sacs, and Neighbourhood 3 includes 6 cu-de-sacs and so forth. This use of cul-de-sac dominates the entire development providing for a car based layout. I note there remains pedestrian and cycle connectivity between the neighbourhoods in some instances, although this should be a complimentary to the roads network proposed.
- 12.37. The applicants design statement notes the topographical layout (60m elevation change from the west to the east) of the site as a threat to the delivery of a DMURS compliant distributor road. The statement does not refer to the requirement for DMURS compliant for the remaining internal roads only where the gradient of under 5% is complied with. The width of both the local distributor road and the other access roads throughout the scheme are equal and aside from a number of home zones integrated into of cul-de-sacs, no roads hierarchy exists.
- 12.38. The link road along the south of the school site, radiating to the east (NE-U-02) has not been provided within the scheme. Access to lands to the east, in separate ownership, is via a residential area in Neighbourhood 5. A submission from the land owner to the east of the site noted the absence of this connection and raised concern in relation to future appropriate access from the school site to the remaining lands in the LAP. I note the topography of those lands around the school site towards the east and I do not consider there are any constraints to prevent the provision of the local road NE-U-02, along the south of the applicants lands and I consider the integration of this specific roads objective a necessity for the sustainable development of future residential lands east of the subject site.
- 12.39. Therefore, having regard to the inappropriate design of the scheme, which relies heavily on the inclusion of cul-de-sac, and the absence of a sufficient layout to

accommodate future expansion of the LAP, I consider the internal layout of the proposal fails to comply with the national guidance for DMURS or the local objectives in the LAP and the proposal would lead to both excessive and inappropriate car movements.

Conclusion

12.40. The absence of any proposal to integrate the Mayfield to Kilbarry Link Road into the overall scheme fails to comply with the overall objectives of the LAP and the delivery of the plan lead expansion of Cork City. In addition, the TTA relies on the expected delivery of this route in 2031. Comments from the Transport Section of the PA raise issue with the TTA in particular assumptions relating to the delivery of the route, the modal split of 45% and the absence of a Mobility Management Plan. The design and layout of the proposed scheme does not comply with the principles of DMURS with an absence of hierarchy of roads and proliferation of cul-de-sacs.

12.41. Having regard to the PA concerns and those relating to the proposed access onto the substandard local road to the north, I consider the proposed development fails to provide a sufficient justification to the roads design proposed and is premature pending the completion of Infrastructure related studies and upgrades as set out in the 'Indicative Development Programme' in the Cobh Municipal District Local Area Plan 2017 and the extent of infrastructure to be delivered in Phase 1 of the proposed development.

Design and Layout

12.42. The proposed development is for 753 no. residential units, a crèche, 2 no. retail units and a community building which incorporates a doctor's surgery. The site has been split into six neighbourhood areas for the purpose of phasing. The mix of units includes 1% studio apartments, 6% one bedroom, 24% two bedroom, 57% three bedroom and 12% four bedroom. The proposal includes three apartment blocks (153 units) and 69 no. duplex dwellings.

Density

12.43. The Southern Region Spatial and Economic Strategy (RSES) came into effect on the 31st of January 2020 and sets out a 12 year strategy framework for the southern region. Cork Site is identified as a major growth centre to accommodate a growth in

population for the region. Page 254 of the RSES includes Ballyvolane Urban Expansion area with a potential to accommodate 3,600 units. Support for the expansion of this area will be provided for investment by holistic and phased infrastructure packages.

12.44. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension / transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014 and the Cobh Municipal District Local Area Plan 2017. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

12.45. The site is zoned as Medium B density in the County Development Plan which requires a net density of 12 to 25 units per ha. Table 3.1 of the Cork County Development Plan 2014 includes a "Settlement Density Guide" where high density is required at Cork North Environs at locations close to future quality public transport corridors. As stated above, the subject site includes the NDR route through the south, a future Bus Connects Route, and the proposed development includes for a bus stop along the Ballyhooley Road and through the site. I consider there are conflicting objectives in the CDP with a requirement for high density at sites close to future public transport route yet the site is zoned for medium density.

12.46. The development strategy for Cork City refers to the need for higher densities in particular along key public transport corridors. Section 5.11 of the national guidance on sustainable residential guidance requires the net residential densities in the general range of 35-50 dwellings per hectare in larger towns or on the periphery of cities.

12.47. The proposed density for the site has been calculated by the applicant at c. 35units per hectare. The total site area is 46.90ha and at the area utilised for calculation is 21.09ha. Drawing 17-002-P-107 illustrates the areas included for the density calculation. The areas discounted from the calculation include the following:

- Embankments,
- Buffer area,

- Wayleaves,
- Road widening and associated foot and cycle paths,
- Parkland and school zoned site,
- Neighbourhood Centre,
- Pump Station,
- Distributor Road.

12.48. Densities for each of 6 neighbourhoods ranges from 25 units per ha in neighbourhood 1, increasing to 103.5units per hectare in neighbourhood 6. Whilst I note neighbourhood 2 includes a higher density of 37.6units per hectare the crèche, community centre and doctors surgery provided in this neighbourhood has been discounted which I consider are integral requirements for a residential development of this scale.

12.49. Appendix A of the Sustainable Residential Guidelines provides guidance on calculating net densities, where an allowance for non-residential uses, such as main roads, retail, employment and major open spaces being planned in conjunction with the proposal may be discounted. I consider the removal of the designated Urban Park, School site and the local distributor road from the calculation reasonable although there are concerns over the removal of a significant portion of the site i.e. landscaped buffer areas, embankments and even front gardens from the calculations. I consider the density calculation of 35.7units per hectare has been distorted and requires consideration.

12.50. I consider the density allocation of 15 to 25 units per hectare, as per the County Plan 2014, is outdated and I note the site is subject to review as part of the Metropolitan area of Cork. The R614 road which runs along the west of the site, providing access into the site is a key transportation corridor, into Cork City Centre. The subject site is one of 9 key urban expansion areas identified for the strategic growth of Cork City. I consider it a necessity that development is in line with national guidance supporting higher density for strategic sites, providing a reduction in carbon dioxide and supporting climate change action through the expansion and consolidation of cities. The applicant's submission refers to the increase in density on the site following extensive pre planning and the location of higher density areas along the front of the

site, adjoining the Ballyhooley Road. These calculations depend on a conservative estimation of a developable area for only half of the entire site and I do not consider the density provision is sufficient to allow for an efficient use of valuable lands.

12.51. I note the constraints, including the 110Kv line traversing the site and the sloped nature, although I do not consider these are so extreme that a medium to high density development could not be facilitated on the site, of particular note is the high provision of 3 no bed units, 531 (70%).

12.52. Therefore, notwithstanding the topography and wayleave constraints on the site, the development of the site requires that it accord with the density provisions included in the National Guidelines. In the absence of acceptable density calculations, I consider to grant permission would set an unacceptable precedent for similar development on the remainder of the Urban Expansion Area and which would reduce any creation of critical mass necessary to achieve the targets set out in the RSES for Cork City.

Layout/ Neighbourhoods

12.53. Six neighbourhood areas are proposed, delivered over 10years. The sequence of phasing is linked with infrastructural works. Higher density neighbourhoods (N6 & N2) include apartment buildings. Each neighbourhood area is essentially self-contained with own access and open space areas.

12.54. The Statement of Consistency outlines the proposed developments compliance with National Guidelines including the Sustainable Residential Guidelines and accompanying Urban Design Manual and the Design Manual for Urban Roads and Streets. However, I consider that while they may comply with elements of these documents the layout fails to have sufficient regard to the aforementioned documents. Compliance with DMURS is previously addressed in the transport section above and a number of issues were highlighted, in particular the amount of roads, absence of hierarchy and significant quantum of cul-de-sacs. Cycle links and amenity walks are integrated through the proposal and provide connectivity throughout the site. The open space provision for N1 is located at the junction between the local distributor road and the entrance of N1 and having regard to the overprovision of roads throughout the scheme this is a common theme, a significant amount of the open space provision for each neighbourhood is included in the form of embankments, formal play space, pedestrian and cycle through areas and

landscape buffers. Other than providing minor change in house type proposed there is no creation of neighbourhoods. With reference to the compliance with the 12 criteria in the Urban Design Manual, I consider compliance with the necessary density and DMURS, discussed above, will provide an opportunity for distinct character generation and integrate people friendly streets and spaces.

12.55. With regard urban design, I note the inclusion of apartment units facing onto the Ballyhooley Road emphasises a strong urban edge, although further north of the main entrance the gables of those dwellings in N1 are orientated onto the main road, leading to the poor treatment of a key transport corridor. Similarly, the treatment and design of the dwellings facing onto the local road to the north does not provide any urban edge, where the development is set back with open space provision along the entire frontage.

Apartments and Crèche/ Community Centre

12.56. Two apartment blocks have been integrated into the proposal in both N2 & N6. The apartment block in N2 adjoins the community centre and crèche. The community centre is 200m². The PA submission notes the restricted size for the scale of the residential development and requests a condition to increase the size of the centre is included in any grant of permission, which I consider reasonable. The crèche facility is sufficiently integrated into the overall scheme, provides sufficient play facilities and accommodates a range of childcare options. The apartment building is four storeys in height with a contemporary design, similar to the community centre and crèche. External materials range from metal cladding, red brick finish and pre-coloured render. The ground floor apartments face directly onto the public realm and a low level fence separates the private amenity space.

12.57. Two large blocks of apartments for 126 units (A & B), are located in N6, the final phase of the proposed development. A wide range of apartment mixes are provided and of note is the inclusion of 22% 3 bed units, supporting a wide range of apartment choice. Underground parking is provided for 121 car parking spaces and an access road runs along the front of each block (west & north) for c.37 additional surface parking spaces. The height of the apartment at 6 storeys provides a strong urban edge along the Ballyhooley Road and the contemporary layout is appropriate. An internal plaza provides informal recreation whilst a formal play ground is provided on

the higher embankment, north east of Block B. The overall design and layout of the apartment complies with those SPPRs in the national apartment guidance. Aside from the inclusion of roads around the periphery of Block A & B, this neighbourhood development provides a focal point with higher density development. In the event the Board should grant permission for this development, this phase should be linked to an earlier phasing of the scheme.

Residential Amenity

12.58. The subject site is located to the south of a number of one-off dwellings and the main foul pumping station is located to the north of two one-off dwellings, along the Ballyhooley Road. A significant number of the third party submissions received raised concern in relation to the impact on their residential amenity. With regards the location of the pumping station, I has addressed the noise in the EIAR assessment. This pump station will be well screened with enhanced landscaping around the site. In terms of those existing dwellings to the north of the site, it is of note the topography of the subject site relative to the existing dwellings, the significant amount of landscaped buffer provided and the design of those dwellings along the north. I do not consider the proposed development would have a significant negative impact on the residential amenity of those dwellings in the vicinity from the design and layout.

13.0 Conclusion

In conclusion, whilst I consider the principle of residential development to be acceptable on this site, I do not consider the proposal has fully integrated the objectives of the Local Area Plan for the Ballyvolane Urban Expansion Area for an integrated and sequential approach to development. An appropriate development on this site has the potential to contribute to the provision of high-quality housing for the future expansion of the Cork Metropolitan Area. In terms of quality of the proposal the density proposed does not meet the 35-50 unit per hectare recommendation in the National Guidelines. Notwithstanding the constraints posed by the sites topography and wayleaves, the layout of the development is very poor, lacks meaningful consideration of the creation of neighbourhoods and streetscape, lacks innovation in design and form, and is dominated by roads and an over provision of

open space and if permitted would not meet the standard of provision required under the various section 28 guidelines, in particular the Design Manual for Urban Roads and Streets and the Urban Design Manual and the 12 criteria therein. The size of the site is such that it could create its own character and become an attractive place in which to reside. This is not being achieved in the current proposal, in my opinion.

I recommend that planning permission should be **refused** for the reasons and considerations as set out below.

14.0 Recommended Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 08th of January 2020 by Longview Ltd.

Proposed Development:

The development will consist of the construction of a 753 residential units to be constructed in a series of phases (six neighbourhoods in total), a local centre including retail (2 no. units), a crèche, doctors surgery and community use unit and all associated and ancillary infrastructure, services and site development works.

The proposed 753 no. residential units are comprised of the following:

- 67 no. detached houses including 31 no. 4 bedroom units and 36 no. 3 bedroom units;
- 278 no semi-detached houses including 41 no. 4 bedroom units and 237 no. 3 bedroom units;
- 186 no. terrace houses including 18 no. 4 bedroom units, 96 no. 3 bedroom units and 72 no. 2 bedroom units;
- 69 no. duplexes including 36 no. 3 bedroom units and 33 no. 2 bedroom units;
- 153 no. apartments including 6 no. studio apartments, 42 no. 1 bedroom apartments, 79 no. 2 bedroom apartments and 26 no. 3 bedroom apartments.
- 3 no. apartment blocks will be provided (2 no. in Neighbourhood 6 and 1 no. in Neighbourhood 2);

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Ballyvolane is located in the Cork County Metropolitan Strategic Planning Area. The Cobh Municipal District Local Area Plan 2017 includes a specific objective for the planned expansion of the Ballyvolane Urban Expansion Area to 3,600 dwellings. The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act. The site of the proposed development is on serviceable lands, within the development boundary of Cork Northern Environs, in an area earmarked for residential development, subject to infrastructural improvements, with access to existing and planned public transport and proposals to improve same. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity and accessibility of the site to Cork City. It is considered that the density proposed would be contrary to the aforementioned Ministerial Guidelines as it relates to Cities and Towns and in particular to sites serviced by existing and planned public transport. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the scale of the development and the traffic to be generated by it, the proposed access onto a substandard local road (L2976) to the north of the site, the absence of sufficient compliance with the required infrastructure related studies and upgrades as set out in the 'Indicative Development Programme' in the Cobh Municipal District Local Area Plan 2017 and the extent of infrastructure to be delivered in Phase 1 of the proposed development, the Board is not satisfied, on the information presented in the accompanying documentation, in particular the Traffic and Transport Assessment, that the proposed development would comprise of the delivery of sustainable transportation principles in a sequential or integrated manner as promoted in the Local Area Plan and it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians and cyclists.

3. The development fails to respond satisfactorily to the requirements of the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport, and the Department of the Environment, Community and Local Government as it does not promote a high quality street layout that priorities people rather than vehicular movement. The proposed development would, therefore, be contrary to Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

Karen Hamilton
Senior Planning Inspector

07th of April 2020