



An  
Bord  
Pleanála

## Inspector's Report ABP-306804-20

---

<b>Development</b>	60 houses
<b>Location</b>	Kilmoney, Carrigaline, County Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	19/6901
<b>Applicant(s)</b>	Dothraki Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Dothraki Limited
<b>Observer(s)</b>	Derek Moxley
<b>Date of Site Inspection</b>	19 <sup>th</sup> May, 2020
<b>Inspector</b>	Kevin Moore

## 1.0 Site Location and Description

1.1. The 2.18 hectare site is located to the south-west of Carrigaline in County Cork. It is located on the east side of Regional Road R611 and immediately to the south of the residential estate of Castle Heights, a scheme of approximately 350 residential units which itself lies immediate south of the proposed route for the southern relief road for Carrigaline. The site comprises part of a larger field that is in agricultural use, used for grazing cattle. There is an existing two-storey house to the south of the site's frontage onto the R611 and its entrance is intended to be used as the entrance to the proposed housing scheme. Three detached houses are located to the north of this entrance. The site is bounded to the south and east by agricultural lands. The boundary to the north comprises an open stream and dense hedgerow. There is a palisade fence and walkway with associated planting on the Castle Heights side of the boundary.

## 2.0 Proposed Development

2.1. The proposed development would comprise the construction of 60 houses. The house types would consist of 1 no. four bedroom detached unit, 4 no. four bedroom semi-detached units, 6 no. three bedroom semi-detached units, 29 no. three bedroom townhouses, and 20 no. two bedroom townhouses. All of the houses would be two-storeys in height. Vehicular access to the development would be provided via an existing entrance onto the R611 serving the dwelling to the south. Provision would be made for a footbridge crossing over a stream to the north for the purposes of connecting to a proposed future amenity walk. The proposals include the development of a public footpath along the site frontage, which would tie in with the existing footpath to the north of the site.

2.2. Each house plot would accommodate two parking spaces to the front and garden areas to the rear. Some visitor parking would be provided on the periphery of proposed open spaces. There would be a principal recreational/amenity space in the centre of the site, another recreational space at the north-eastern corner and a smaller amenity space at the entrance to the site. A pumping station would be provided close to the north-eastern end of the site.

2.3. Details submitted with the application included a Planning Statement, a Part V proposal, an Architectural Design Statement, an Infrastructure Report, a Draft Environmental, Construction & Waste Management Plan, a Stage 1 Screening Report, and a Stage 2 Natura Impact Statement.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On 7<sup>th</sup> February 2020, Cork County Council decided to refuse permission for the proposed development for one reason relating to the deficiency of the local road network to carry the increased traffic and prematurity pending the completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm Enhancement Plan.

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

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

The Planner noted plan provisions relating to the site, the findings of the submitted NIS, and the reports to the planning authority. The site's zoning and the objective relating to the land were acknowledged. It was submitted that there were no land use objections to the principle of the proposed development and that a proposed residential scheme accords with the National Planning Framework, the Cork County Development Plan and the Ballincollig Carrigaline District Local Area Plan. The density of development, housing mix and Part V provisions proposed were viewed as acceptable. There were no concerns with regard to impacts on residential amenity and provisions for recreation and amenity were considered satisfactory. It was considered that, if the development was to be further considered, amendments to the layout would be required to provide greater separation distance between houses and estate roads and the streams to the north and east of the site. Clarity on the proposed footbridge connectivity was also seen to be required. The Planner concurred with the recommendations of the Area Engineer and the Traffic and Transport Engineer and it was recommended that permission be refused for one reason relating to traffic hazard and prematurity of the development pending the

completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm Enhancement Plan.

The Senior Executive Planner concurred with the Planner's recommendation.

The Senior Planner concurred with the recommendations made.

### 3.2.2. Other Technical Reports

The Public Lighting Section had no objection to a grant of permission subject to the attachment of conditions.

The Traffic and Transport Engineer submitted that the road network in Carrigaline is deficient, that it experiences serious traffic congestion and is at capacity. A refusal of permission was recommended as the proposal was seen to be premature pending the completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm Enhancement Plan.

The Estates Report requested further information on road and footpath widths, parking dimensions and allocation, and fencing heights to the north and east.

The Area Engineer noted sight distance could be achieved at the proposed entrance. Visitor parking was seen to be inadequate and road widths were restricted in some locations. It was considered that fluvial flooding on the eastern half of the site would need to be addressed. It was submitted that the application is premature until the Western Relief Road is completed and that allowing the development would contribute to an already congested scenario. A refusal of permission was recommended.

The Environment Report relating to waste generation identified waste-related and surface water details needing to be submitted. The recommendation was to grant permission subject to a schedule of conditions.

The Ecologist noted the stream flanking the site enters the Owenboy Estuary 2.5km downstream of the site and that the Estuary forms part of Cork Harbour SPA. The applicant's NIS was acknowledged. A request for further information was recommended seeking details on buffering for streams and the incorporation of silt control measures.

The Environment Report relating to noise impact had no objection subject to a schedule of conditions.

### **3.3. Prescribed Bodies**

Inland Fisheries Ireland had no objection to proposed disposal of effluent to the foul sewer provided Irish Water confirms that there is sufficient capacity in the existing system. It was requested that the pedestrian crossing of the stream be done so by a span bridge as opposed to a culvert, that a 5m buffer be established from all watercourses, and a soiled water construction management plan be submitted. In the event of permission being granted, it was requested that there would be no interference with, bridging, draining or culverting of any watercourse, its banks or bankside vegetation.

Irish Water submitted that the proposed connections to the Irish Water network can be facilitated subject to specified stipulations.

An Taisce requested the proposal to be properly phased with regard to services and infrastructure provision. Having regard to car dependency, the proposal was viewed as premature until local services have been provided.

### **3.4. Third Party Observations**

An objection to the proposal was received from Derek Moxley. The observation to the Board reflects the concerns raised.

Hallmark Building Services Ltd., involved in the development of adjoining lands at Castle Heights, requested to be kept informed of the progress and decision on the application.

## **4.0 Planning History**

I have no record of any planning application or appeal relating to this site.

## **5.0 Policy Context**

### **5.1. Ballincollig Carrigaline Municipal District Local Area Plan**

Carrigaline is designated a 'Main Town' in the Plan.

## Zoning

The site is within the settlement boundary of Carrigaline and is zoned 'Residential'.

## Housing

The Plan seeks to accommodate an additional 2,422 dwelling units in the period up to 2022.

Specific Development Objectives for Carrigaline include:

*CL-R-18 – Residential*

*Medium A residential development. Any development of this site will require road and pedestrian improvement to be funded by the developer.*

This Objective relates to a land area of 2.43 hectares which includes the 2.18 hectare appeal site.

## Traffic and Transportation

Specific Development Objectives for Carrigaline include:

*CL-U-02*

*Construction of an inner western relief road*

*CL-U-04*

*Proposed outer western relief road*

*CL-U-07*

*Link road between CL-U-04 and CI-U-10*

This would link the outer western relief road and the southern inner relief road and would be tie in with a roundabout just over 200 metres to the north of the site.

*CI-U-08*

*Provide pedestrian amenity walk from Mountain Road East to join Greenway on the Crosshaven Road.*

Part of this amenity walk would run to the north of the appeal site.

*CL-U-10*

*Completion of Southern Inner Relief Road*

## 5.2. **Appropriate Assessment**

The streams abutting this site to the north and east flow east and enter the Owenboy Estuary at Kilnaglery Bridge approximately 2.5km downstream of the site. The Owenboy Estuary forms part of the Cork Harbour Special Protection Area. The Cork Harbour SPA is the only European site that has a hydrological connection with the proposed development. All species listed as Special Conservation Interests (SCIs) for Cork Harbour SPA are for wintering species only, with the exception of common tern *Sterna hirundo*, which is listed for breeding. Potential may arise for construction-related pollutants and sediments being mobilised to the SPA at the construction phase. The applicant has submitted a Natura Impact Statement and has clearly identified the potential risks of effects on the SPA. Further to this, the NIS has included a range of mitigation measures to address potential effects. It is also noted that the Draft Construction Management Plan includes measures to minimise impacts on water quality. In addition to this, I note the appellant's submission to the Board which provides for a greater buffer between the proposed development and the adjoining streams. At the stage of the occupation of the estate it is noted that all houses will be fully serviced by mains water and foul sewer.

Having regard to the above, I am satisfied to conclude that there would be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans and projects.

## 5.3. **EIA Screening**

Having regard to the nature, size and location of the proposed development, there is no real likelihood of significant effects on the environment that would warrant environmental impact assessment. No EIAR is required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

The grounds of the appeal may be synthesised as follows:

- Carrigaline is Cork County's largest urban settlement and is a designated growth area. The development of the site is not restricted in policy terms by phasing or infrastructure provisions under the Ballincollig Carrigaline Municipal District Local Area Plan. During pre-planning discussions, the Council advised that completion of the Southern Inner Relief Road would positively support development at this location and it is confirmed that the road will be well completed prior to the proposed development being constructed.
- The proposed development will not give rise to any perceptible increase in traffic congestion in Carrigaline. A Traffic and Transport assessment attached with the appeal verifies this, confirming that the development will result in a maximum increase of just 2% traffic volumes for the Kilmoney Road Lower / Main Street junction for the opening year (2022), i.e. below the 5% requirement for a junction to be assessed for traffic impact in the NRA's Traffic & Transportation Guidelines.
- The proposal will contribute to the delivery of amenity walk objective CL-U-08. The development will benefit from pedestrian/cycling connectivity to the east and it will proactively encourage sustainable transportation options.
- The Board has established a view that the presence of existing traffic congestion in an urban area is not reason alone to refuse planning permission on a site zoned for residential development in an operative development plan (ABP0-301431 is referenced as a precedent). In preparing a development plan, it is the function of the planning authority to ensure that land is zoned in appropriate locations where development would not be precluded by such constraints.
- The Council has confirmed that there are no other material planning considerations that would preclude a grant of planning permission.
- Addressing issues raised in reports to the planning authority, a revised site layout plan is provided to include:
  - a 5m buffer from watercourses, resulting in a loss of two units;
  - internal road widths of 5.5m throughout and increased turning radii; and



- an increase of 5 visitor parking spaces;

An alternative pedestrian bridge design is also provided, clarity is given on connectivity associated with this, an autotrack analysis is submitted, and confirmation is given that the site is not subject to flood risk. The appellant submits that a construction management plan will be provided to guide the construction phase and will be submitted to the Council prior to the commencement of development.

The appeal details pre-planning correspondence with the planning authority which referred to the delivery of the Southern Inner Relief Road only and that the applicant was willing to accept a condition confirming that no works would occur until the relief road was fully operational. It was submitted that this infrastructure would be completed by December 2020.

## 6.2. **Planning Authority Response**

I have no record of any response to the appeal from the planning authority.

## 6.3. **Observations**

The observer raises concerns relating to the impact on residential amenity by the proposed house at the entrance to the estate, the location of the proposed footbridge, anti-social behaviour, the unsafe nature of the existing stream, the inadequacy of the mesh fence to the north and east, the need for street lighting between the entrance to Castle Heights estate and the proposed development, and flooding on the R611 at the entrance location. The observer concludes by welcoming the proposal.

## 7.0 **Assessment**

### 7.1. Introduction

7.1.1 I note the planning authority's decision, with the proposed development being refused for one reason relating to the deficiency of the local road network to carry the increased traffic and prematurity pending the completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm

Enhancement Plan. I further note the planning authority's considerations as they relate to density, housing mix, Part V provisions, and provision of recreational and amenity spaces. There were no concerns arising from planning considerations on these issues. I fully concur with the conclusions drawn.

7.1.2 I submit to the Board that the scale, layout, density and character of the development proposed for this site provide for a standard of development that is wholly in keeping with the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*. The nature and scale of the proposed scheme is appropriate to its serviced context, provides a high degree of connectivity within and beyond the scheme, it provides a suitable mix and density of development, and provides for appropriate levels of public and private amenity spaces. The overall design is well thought through, provides a secure public realm, and permeability is highly navigable throughout. I further note that the appellant has submitted a revised plan for the Board's considerations to address the outstanding issues raised by the various sections within the planning authority who raised some technical matters requiring clarity. The revised layout now submitted to the Board does not undermine the functionality of this scheme and the proposal continues to adhere to the key provisions of the Guidelines.

7.1.3 Having regard to the reason for refusal and to the observer's submission, I consider that the principal planning issues requiring consideration in this assessment relate to Development Plan provisions, traffic impact, and the impact on residential amenity.

## 7.2. Development Plan Provisions

7.2.1 With due regard to my considerations on the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*, I first note that the proposed development follows one of the key tenets of these Guidelines, i.e. it is 'plan-led'. The Guidelines state:

*"The development plan is at the heart of the system, transposing national and regional policies and setting the strategic context for local area plans. The scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy."* (Section 2.2).

7.2.2 With reference to local area plans, the Guidelines state:

*“The advantage of using the LAP approach is that as a statutory plan it will have been through the planning process, will have involved local consultation and the engagement of local members, and when approved will give a degree of certainty to those involved in the development of the area.” (Section 2.7)*

7.2.3 In the Cork County Development Plan, Carrigaline is designated a ‘Metropolitan Town’ in the context of the Plan’s Core Strategy. It is a key settlement within the Metropolitan Cork Strategic Planning Area. The Plan provides the key housing policies to be applied for residential development. Housing density on zoned land is explained. ‘Medium Density A’ development provides for a density of between 20 and 50 units per hectare. This type of development is applicable in larger towns over 5,000 population, is required to connect to public water and wastewater services, and a broad housing mix is normally required.

7.2.4 Following on from this, the Ballincollig Carrigaline Municipal District Local Area Plan was adopted in 2017. It is noted that Carrigaline is designated a ‘Main Town’ in the Plan. Further to the housing strategy, the Plan seeks to accommodate an additional 2,422 dwelling units in the period up to 2022. The site of the proposed development is within the settlement boundary of this town. The site is zoned ‘Residential’. The site is subject to a Specific Development Objective as follows:

*CL-R-18 – Residential*

*Medium A residential development. Any development of this site will require road and pedestrian improvement to be funded by the developer.*

7.2.5 The proposed development meets with this development objective in terms of being a Medium A residential scheme. There are no other impediments in place that this Plan or the County Development Plan require to be overcome. According to the LAP, the development of this site will require road and pedestrian improvement to be funded by the developer. These road and pedestrian improvements are not linked to any completion of the Carrigaline Inner Western Relief Road or the Carrigaline Transportation and Public Realm Enhancement Plan. Indeed, it is particularly notable that there is no reference in any of these plans to any ‘Carrigaline Transportation and Public Realm Enhancement Plan’. Determining that the proposal would be premature pending the completion of this Plan is entirely misplaced. There

is no understanding of the statutory basis of this plan, which now seeks to stymie residential development on lands zoned for housing. Further to this, it is evident that the development of housing on this land is not precluded from proceeding or deemed premature pending the completion of the Carrigaline Inner Western Relief Road based on any Plan provisions.

7.2.6 It is apparent that the proposed development has been plan-led. The scheme follows the provisions of the County and Local Area Plans in its location, layout and design. To stymie the development of these residential zoned lands for the reasons given by the planning authority has no foundation in plan-led development and is completely unwarranted.

7.2.7 The planning authority has referenced the deficient capacity of the local road network and the unacceptable traffic congestion that would arise. The LAP clearly references a need for road and pedestrian improvement to be *funded* by the developer in any development of this site. This does not in any manner equate with waiting for the completion of any relief road or some enhancement plan. The developer could reasonably make a development contribution to allow for road improvements beyond the site on which this proposed development and others are reliant and to provide for linkages to pedestrian infrastructure, public lighting along public roads, etc. This contribution can be achieved through the attachment of a suitable development contribution condition with any grant of planning permission.

7.2.8 Further to the above, I note the pre-planning engagement on this application. There is no reference to waiting on the completion of the Inner Western Relief Road and definitively no reference to the existence, preparation or completion of any enhancement plan before any development can proceed. Indeed, it is notable that the appellant has engaged with the neighbouring developer to gauge an understanding of the completion of the Southern Inner Relief Road. I note that the final section of the route is under construction as part of the Castle Heights residential development which is located immediate to the north of this site. The appellant is satisfied to delay proceeding with the development until the relief road is operational in the near future. In the context of the functioning of the local road network, this is a significant infrastructural provision which will seek to alleviate traffic congestion for the southern end of the town. This would be in place prior to the proposed development proceeding if a suitable planning condition is attached with

any grant of planning permission which prohibits commencement of development until the last section of the Southern Relief Road is complete.

7.2.9 With regard to the traffic-related provisions of the Local Area Plan, I note that the Specific Development Objectives for the town of Carrigaline include a proposed inner western relief road (CL-U-02), a proposed outer western relief road (CL-U-04), a link road between CL-U-04 and CL-U-10 (CL-U-07), and the completion of the Southern Inner Relief Road (CL-U-10). I note that meeting Objective CL-U-07 would link the outer western relief road and the southern inner relief road and that it would tie in with a roundabout just over 200 metres to the north of the site. It is noted once again that the development of the appeal site is not predicated upon the completion of any of these schemes. Further to this, it is noted that the carrying out and completion of these new road provisions are not impeded by development on the appeal site. This site is clearly separate from the associated routing of these road infrastructure improvements. One would reasonably anticipate that the development of the appeal site lands under Special Development Objective CL-U-18 would require the developer to make a development contribution, part of which would go towards the provision and completion of these schemes, which would benefit the occupiers of the housing scheme. Over and above these local road network improvements, I note Special Development Objective CL-U-08, which seeks to provide a pedestrian amenity walk from Mountain Road East to join Greenway on the Crosshaven Road. I acknowledge that part of this amenity walk would run to the north of the appeal site. I note the appellant's proposal to provide pedestrian linkage to this route. Once again, if a development contribution is required to facilitate the completion of this pedestrian walk, which would facilitate the occupiers of the proposed housing scheme, this would be reasonable and could be conditioned accordingly.

7.2.10 Overall, it is very clear that the development of the site is not restricted in policy terms by any infrastructure provisions specified as objectives under the Ballincollig Carrigaline Municipal District Local Area Plan or under the Cork County Development Plan. To refuse the proposed development based upon prematurity pending the completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm Enhancement Plan is unfair, is unwarranted, and has no grounding in plan-led development provisions set out in the development plans that seek to guide development at this location.

7.2.11 Finally, I note that the planning authority made a decision to grant planning permission for a housing scheme of 37 houses at Church Hill, Kilmoney under Planning Permission 19/6065 on 28<sup>th</sup> February, 2020. The site for that development is a short distance to the north-east of Castle Heights. That decision was made a couple of weeks after the making of the decision by the planning authority relating to the proposal now before the Board. It is evident that the planning authority appears inconsistent in its control of development and restricting development pending the completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm Enhancement Plan. Clearly further development of housing on the south side of Carrigaline is being facilitated in some instances and in other instances it is not. One would anticipate that the traffic constraints relating to congestion to the south side of the town centre and the approaches thereto, in terms of the deficiencies in the local road network and the objectives to provide roads infrastructure, would also be applicable to further residential development elsewhere in this location if consistency and fairness were to apply.

### 7.3. Traffic Impact

7.3.1 I have alluded to the objectives of the Local Area Plan relating specifically to this site, which only seek road and pedestrian improvements to be funded by the developer of the site. I have additionally noted the Plan's objectives relating to road and pedestrian provisions to facilitate the functioning of traffic and the provision of amenities to serve the town's needs.

7.3.2 Further to the above, I acknowledge the reports of the planning authority as they relate to traffic as follows:

- The Traffic and Transportation report was short, making reference to the road network in Carrigaline as being deficient, experiencing serious traffic congestion and being at capacity. It was then stated that any additional traffic generated from further housing in this area cannot be catered for with existing infrastructure. A refusal of permission was recommended because the proposal was seen to be premature pending the completion of the Carrigaline Inner Western Relief Road and the Carrigaline Transportation and Public Realm Enhancement Plan. From this report, it is

evident that the Traffic and Transportation Section has not been specific in how the road network is deficient. It draws very prohibitive conclusions on future housing development in this area. It is particularly notable that there are no specific deficiencies identified which are applicable to the development of the appeal site. It is also particularly worth observing that the recommendation was based on prematurity of the completion of a road scheme and an enhancement plan and that the recommendation made no reference to the proposed development constituting any traffic hazard. The report had no regard to the site being zoned for residential uses under a 2017 Local Area Plan.

- The Estates Primary report alluded to internal scheme deficiencies relating to road and footpath widths, parking and boundaries. There were no concerns raised relating to traffic safety and the local road network.
- The Area Engineer noted that the requisite sight distance could be achieved at the proposed entrance onto the regional road. He identified issues relating to parking and vehicular movement within the scheme requiring to be addressed. He referenced congestion issues arising on a daily basis within Carrigaline and submitted that the recent completion of Forrest Hill and the substantial completion of the Castle Heights development are leading to significant delays for existing traffic. It was considered that allowing the development would contribute to an already congested scenario. The Engineer concluded by recommending that the proposal be refused based on its prematurity until completion of the Western Relief Road. Once again it is notable that there were no site-specific traffic issues arising from the proposed development in terms of traffic accessing the local road network. It is accepted that the general local road network in Carrigaline can be congested in peak times. The planning authority has its development objectives to alleviate the wider network congestion issues. It also has its objective to develop the appeal site for residential use and it places no timing impediment on the delivery of such housing. It is apparent that the development of further housing is contingent upon the making of financial contributions that will contribute to the delivery of roads and other infrastructure which would facilitate such

housing. The proposed development cannot be selected in isolation and be prohibited based on prematurity of the delivery of a part of the road infrastructure sought to be provided as set out in the Local Area Plan. Finally on the Area Engineer's report, I note that it was recommended that the development be refused based on prematurity pending the completion of the "Western Relief road". Having regard to the Local Area Plan's Specific Development Objectives, it is not clear if this prematurity relates to the 'Inner Western Relief Road' or the 'Outer Western Relief Road'.

- The Public Lighting Section had no objection to a grant of permission subject to the attachment of conditions. No issues were raised relating to lighting of the public road at the site frontage or entrance.

7.3.3 Further to the reports made, I note that the appellant has responded in a constructive manner to the technical issues raised in the above and other reports to the planning authority. A revised site layout plan has been submitted to the Board. In providing for a 5-metre buffer from watercourses along the northern and eastern boundaries of the site two houses are removed and the overall development is reconfigured. Internal road widths of 5.5m within the scheme are provided throughout and turning radii are increased. An auto track analysis demonstrates the adequate functioning of the internal road network. Five additional visitor parking spaces are provided. An alternative pedestrian bridge design is provided also. It is evident that the issues relating to the internal functioning of this housing scheme are substantially resolved by the revisions proposed.

7.3.4 Further to the above, the appellant submitted a Traffic and Transport Assessment. This set out details on the local road network, on recorded traffic flows, and on the additional traffic flows that would be generated by the proposed development. An understanding was provided on the cumulative impact of the development with existing traffic and on the internal layout and parking provisions. It was concluded that the impact on the critical road junction on the approach to the town centre (Kilmoney Road Lower/Main Street junction) would be minimal, resulting in an increase of just 2% of traffic volumes for the opening year scenario. It is pertinent to note that the planning authority did not seek to refute this submission to the Board as part of the appeal.



7.3.5 Separate to the operational phase of the scheme's development, I note that the construction stage of the development would also generate traffic that would access the local road network. The control and management of this stage of the development process could reasonably be addressed by the implementation of a construction management plan. Such a plan could reasonably be agreed between the developer and the planning authority prior to the commencement of development. This requirement could form a condition attached with any grant of planning permission.

7.3.6 In conclusion, I note that the proposed development raises no specific traffic safety issues. I note also that the appellant has reasonably addressed the internal scheme deficiencies that have been raised in the reports to the planning authority. I acknowledge the appellant's traffic assessment and the conclusions drawn, which I consider are reasonable. I can see no reason to determine that the proposed development would result in a traffic hazard in Carrigaline as determined by the planning authority in its reason for refusal.

#### 7.4. Impact on Residential Amenity

7.4.1 The observer has raised a number of concerns relating to the impact of the proposed development on residential amenity. I note that there was a concern about the siting of a detached two storey house at the entrance to the estate. The revised layout submitted with the appeal clearly shows that there would not be a detached house adjoining the entrance to the housing scheme. The nearest house to the entrance would be a two-storey terraced house that would be in excess of 22 metres from the northern site boundary. The site boundary of dense hedgerow is intended to remain and there are landscaping proposals which seek to substantively add to the extent of vegetation alongside the existing stream on the northern boundary. I have no concerns about the impact of any proposed house within this scheme adversely impacting on existing residential properties.

7.4.2 Further to the above, I note the layout, amenity provisions and separation distances applicable within the overall scheme. There are no concerns arising out of the proposed development relating to impact on residential amenity for the occupiers of the proposed houses.

7.4.3 I note that the observer also raised issues relating to the location of the proposed footbridge, anti-social behaviour, the unsafe nature of the stream, inadequacy of fencing, and the need for street lighting. The proposed pedestrian bridge would tie in with the pedestrian walkway already established within the Castle Heights development to the north. It would not physically encroach on any private residential properties. Further to this, there are no grounds for determining that the development of pedestrian linkage at this location would result in anti-social behaviour that would result in adverse impacts on the established residents of this area. Utilising the natural watercourse as an amenity at this location, a location that adjoins an established walkway within Castle Heights, poses no particular concerns that would merit a refusal of permission based on safety or public health grounds. The selection of suitable fencing around the perimeter of this site is a matter that could reasonably be addressed by agreement between the developer and the planning authority. On the issue of street lighting, I note the Public Lighting Section of the planning authority had no objection to the proposal. One can reasonably ascertain that the provision of public lighting at the entrance and along the frontage of the development would likely form an integral part of the overall scheme. I note reference to flooding on the R611 also was raised as a concern. The observer provides no details to support the contention that this is an issue at this location and the planning authority raised no concerns about flooding on the R611. Finally, I note that, despite the range of concerns raised, the observer welcomes the proposed development and compliments the applicant for the innovative project.

7.4.4 Overall, it is my submission that it may reasonably be concluded that the proposed development would not have any significant adverse impacts on the established residents at this location.

## 8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons and considerations.

## 9.0 Reasons and Considerations

Having regard to the residential zoning provisions for this site and to Special Development Objective CL-R-18 as set out in the Ballincollig Carrigaline Municipal District Local Area Plan 2017, which seeks the development of Medium A residential development on this site, and to the density, design, character and layout of the proposed development, it is considered that the proposed development would be in accordance with the Local Area Plan provisions, would not be premature pending the completion of the Inner Western Relief Road, the Carrigaline Transportation and Public Realm Enhancement Plan, or any other plan or proposed road scheme for the town of Carrigaline, would not adversely impact on the residential amenities or the amenities of adjoining properties, would not endanger public safety by reason of traffic hazard, and would otherwise be in accordance with the provisions of the current Local Area Plan and the Cork County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to An Bord Pleanála on the 4<sup>th</sup> March, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The construction of the proposed development shall not commence until the completion of the Carrigaline Southern Relief Road. Details on the commencement and construction phasing of the development shall be agreed in writing with the planning authority.

**Reason:** In the interest of orderly development.

3. Details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

**Reason:** In the interest of visual amenity

4. Prior to the commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:

(a) detailed drawings showing the layout of the entrance onto Regional Road R611, the footpath and connectivity along the site's frontage, and street lighting at this location;

(b) the internal access road, shared surfaces, footpaths, and the pedestrian bridge design and connectivity to the north of the site; and

(b) traffic management provisions, inclusive of road signage, internal footpath connectivity and internal traffic calming measures.

**Reason:** In the interest of traffic safety and orderly development

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include trees to be retained and a comprehensive site boundary treatment scheme, inclusive of additional screening along the northern flank boundary and perimeter fencing.

**Reason:** In the interest of residential and visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

7. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise and vibration management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2)

and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space, landscaping and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement

of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

---

Kevin Moore  
Senior Planning Inspector

10<sup>th</sup> June 2020