



An
Bord
Pleanála

Inspector's Report ABP 310585-21

Development	Development of 32 no. dwelling houses
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/6881
Applicant	Chriselle Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. Grant
Appellants	John Cooney & Others (Residents of Rathcallan Woods)
Observers	None
Inspector	Mary Kennelly
Date of site inspection	23 rd September 2021

1.0 Site Location and Description

- 1.1.1. Ladysbridge is designated as a 'Village' in the East Cork Municipal District Local Area Plan. It is situated c.33km to the east of Cork City and c.11km to the east of Midleton. Ladysbridge is located approx. 2km to the south of the large village of Castlemartyr at the crossroads of the R632 (Garryvoe road) and R633 (Ballymacoda road). The village is generally rural in character and has a limited range of facilities and services, comprising of a petrol station with shop, a pub and community facilities. The site is located within the development boundary for the village on the Garryvoe road. There are a number of small housing estates located close to the village centre, one of which (Rathcallan Wood) is located along the Garryvoe road (R632).
- 1.1.2. The site, which is roughly rectangular in shape, has a stated area of 1.79 hectares. It has frontage to both the R632 to the east and a local road to the west. It is a greenfield site which gradually rises to the west. The roadside boundary is defined by a timber fence. Immediately to the north of the site lies a small housing estate development known as Rathcallan Wood. The southern boundary is defined by trees and hedging which separate the site from a farmyard to the south of the site. The western and northern boundaries are largely undefined or poorly defined by intermittent hedging.

2.0 Proposed Development

- 2.1.1. The proposal entails the construction of 32 no. dwellings arranged around a central area of open space. There would be one entrance from the R632 to the east. The layout as originally submitted showed each of the proposed dwelling houses arranged around the internal access road and central open space, with side elevations fronting the main road. The proposed development includes a mix of housing units with 10 no. detached dwellings and 22 no. semi-detached dwellings. The detached dwellings are all 4-bedroomed with floor areas ranging from 178.8m² to 203m² (later increased to 224.5m² in FI). The semi-detached dwellings are comprised of 3-bedroomed units (floor area of c.102m² to 143m²). All of the proposed dwellings would be 2-storey in height.

- 2.1.2. The density of the proposed development is approx. 18 units/ha. A mix of housing units is proposed, and 3 units would be reserved as social housing. It is proposed to provide 2 parking spaces for each unit as well as visitor parking. All private gardens would be in excess of 60sq.m per unit. The proposed development includes a public lighting scheme. The public open space area represents 14% of the site. It is centrally located and overlooked by most houses and includes a local play area.
- 2.1.3. It is proposed to connect to the public water supply and to the public wastewater system. Surface water will be disposed by gravity sewer to the public system, following attenuation. The development is proposed to be constructed in two phases.
- 2.1.4. The application is accompanied by:
- Planning Statement (TPlan Planning Consultants)
 - Engineering Report (O'Shea Leader Consulting Engineers)
 - Landscape Plan (Cunnane Stratton Reynolds Architects)
 - Part V Costs Methodology
 - Outdoor Lighting Report.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The P.A. decided to grant planning permission subject to 32 conditions including:

Condition 2: The development to be built on a phased basis (as details 26th March 2021) and green areas to be part of Phase 1.

Condition 3: Section 47 agreement restricting units to first occupation by individual purchasers.

Conditions 4-6: Various conditions regarding public lighting.

Condition 11: Requirements that no dwelling to be occupied until water, drainage, sewage services and lighting installed and functioning.

Condition 13: Drainage to be on separate systems, with no surface/storm water to discharge to foul sewer. To prevent pollution of surface waters and/or overloading of the foul sewer.

Condition 18: Public open space – finished levels and gradients to be to P.A. satisfaction. Max. gradient of 8.5% and 2m wide grass strip to be maintained free of vegetation along roadside boundary.

Condition 19: Adequate sight distances at entrance.

Condition 21: Revised drawing required showing a silt fence demarcating the construction area boundary zone, together with all buffer zones clearly marked.

Condition 30: Part V.

Condition 31: Development contribution of €83,084.77 – GDCS.

Condition 32: Four surface water gullies to be installed along the public road to prevent flooding.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first Planner's report dated 22/02/21 notes the contents of the technical reports and reports from the prescribed bodies summarised below, as well as the issues raised in the third-party objections. It is noted that the site is within the development boundary of Ladysbridge, which is expected to accommodate up to 40 new residential units over the lifetime of the East Cork Municipal District LAP (2017-2022). It was further noted that the recommended scale of individual housing developments is 20 units. The purpose of this is stated as seeking to prevent excessively rapid growth within smaller settlements and to ensure that new developments are in proportion to the pattern and grain of existing development but can be exceeded where the existing character of the village is reinforced, and it is phased and delivered such that the development does not represent a housing estate more suited to a larger settlement. It was noted that having regard to the number of houses permitted in the village to date, together with the permissions in other villages, the population increase in the village and other villages nearby could exceed that anticipated in the guidance. However, the infrastructural capacity within

the village was considered to put it in a unique position. It was considered that the proposal should be developed in two phases.

The density of the proposal, (at 18 dw/ha), which falls within the Medium B requirement in the CDP (12-25dw/ha), was considered to be appropriate, as it is a conventional housing scheme, which is similar to the existing neighbouring scheme and typical of smaller towns and villages. However, concerns were raised regarding issues such as the layout of the scheme, which did not adequately address either road to east or to west, the FFLs which were higher than those of the neighbouring scheme, improved relationship with houses to North required, greater allocation of amenity space for play areas, a flood risk assessment, a review of the housing mix and the provision of a phasing approach to the development. FI to this effect issued on 22nd February 2021.

3.3. **The Response to the FI submitted on 26th and 29th March 2021**

The applicant's responses included revised drawings which proposed improvements to the relationships with the roads to the east and west, respectively and with the houses to the north of the site. In addition, Dwelling Nos. 2-5 have been relocated to avoid any impact on neighbouring sites and the floor levels have been reduced to allay the concerns of the residents of Rathcallan Woods. The modified layout also included an increased area designated as play area (215m²). In addition, the FI submitted included a phasing scheme, a revised housing mix, a Flood Risk Assessment and a Public Lighting Scheme. The Further Information was advertised on 27th April 2021.

- 3.3.1. The **second planning report** dated 24/05/21 following receipt of FI noted that based on the additional information regarding levels and relative distances, the relationships between the proposed houses and the existing dwellings at Rathcallan Woods are now acceptable. The revised layout in terms of the manner in which the development would address the roads on either side was also considered acceptable. The flood risk was considered to have been adequately addressed, in view of the proposed layout, and was considered acceptable subject to conditions regarding an appropriate surface water management regime. The revised phasing (2 phases) and revised housing mix (inclusion of a 2-bed unit) were considered to be satisfactory. The AP noted that the new Draft CDP had been published in the

meantime and that as a further 40 dwellings is envisaged for the village, the proposed development was considered to be acceptable. It was further noted that the new S28 Guidelines recommends conditions to prevent wholesale of such schemes to corporate investment funds.

3.3.2. A grant of permission subject to conditions was recommended.

3.4. **Other Technical Reports**

3.4.1. **Area Engineer's report (19/02/21)** had no objections to the development subject to conditions. It was noted that surface water from the development would be attenuated within the site, which was acceptable. Water supply and sewage disposal were considered to be acceptable. No objections were raised in respect of roads and transport, subject to 80m sightlines being available in both directions. In terms of the surface water/storm water drainage system for the development, it was pointed out that historically there has been significant run-off along the L3817 to the west of the development (Loughane Road), which has caused flooding in Ladysbridge in the past. Thus, flood risk would need to be addressed.

3.4.2. **Housing Officer report (08/02/21)** – It was considered that the site is well located in close proximity to the village with all its amenities and is suitable for social housing. The Council has a demand for social housing in this area and would seek 3 no. units to be purchased under the Part V obligation. The unit size and design were considered to be adequate, apart from the inclusion of ensuite bathrooms. The layout is cohesive and sustainable with good distribution throughout the estate, and it is considered to meet the requirements of the guidelines. No objection to a grant of permission subject to the removal of ensuite bathrooms. Accordingly, there is no objection s.t. conditions.

3.4.3. **Environment Reports (22/02/21 and 19/04/21)** – no objection subject to conditions including a construction waste management plan, a site-specific surface water management plan and details of surface water run-off containment measures for the construction phase.

3.4.4. **Estates Engineer** – no overall objection.

3.4.5. **Public Lighting Reports (21/01/21)** detailed conditions to be attached should permission be granted.

3.5. Prescribed Bodies

- 3.5.1. **Irish Water** in a letter dated 09/02/21 stated that the developer had engaged with IW and that confirmation of feasibility had been issued. As the applicant proposes to connect to a public water supply/wastewater network operated by IW, it will be necessary to enter into a connection agreement prior to the commencement of development. It would, however, be subject to the constraints of the IW Capital Investment Programme.
- 3.5.2. **Inland Fisheries Ireland** in an email dated 03/02/21 stated that IFI has no objection subject to confirmation that there is sufficient capacity in the existing WWTP to prevent overloading, either hydraulically or organically, of existing treatment facilities, or result in polluting matters entering waters. In addition, confirmation was required that there was adequate assimilative capacity of the receiving surface waters. However, if such assurances are not possible, it is stated that the development would be considered to be premature.

3.6. Third Party Observations

Objections received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3rd Party appeals and observations received and summarised in section 6 below. Many of the issues raised were addressed in the Further Information which included revised plans, including relocation of 4 houses and the lowering of the FFLs and overall levels within the development such that the relationship with the estate to the north would be improved. The FI was readvertised, but no further third-party submissions were received.

4.0 Planning History

4.1.1. On the subject site

P.A. 06/8206 – planning permission granted by the P.A. for 22 dwelling houses comprising 16 no. detached (4-bed) units and 6 no. semi-detached (3-bed) units, entrance and associated site works. This permission was never implemented.

4.1.2. **On nearby sites**

P.A. 17/05755 – (301318 -Appeal against decision withdrawn) - permission granted to Chriselle Holdings Ltd. for the construction of 21 no. dwellings on site c.130m to the NW of the subject site. Located on western side of Loughane Road.

P.A. 20/04982 – PA. granted permission to Chriselle Holdings Ltd. (25/08/21) for 5 dwelling units on part of the overall site for which permission had been granted for 21 units under 17/05755. These additional units are to be constructed to the south of the 21 houses, resulting in a total of 26 houses at this development.

P.A. 20/05016 – permission granted to Michael O'Brien in April 2021 for 20 houses on site further to the northwest, adjacent to another existing housing estate – Dealg Ban, and fronting onto the local road to the west of the crossroads junction.

5.0 **Policy Context**

5.1. **Cork County Development Plan 2014**

Chapter 3 – Housing – Existing Built-Up Areas include all lands within a development boundary which do not have a specific zoning objective. It sets out the housing policies and objectives including the following:

HOU 3-1 Sustainable Residential Communities – reference to national guidance on achieving high quality neighbourhoods.

HOU 3-2 Urban Design – high quality design and layout required.

HOU 3-3 Housing Mix – Intention to seek a mix of house types and sizes in accordance with the Joint Housing Strategy and National Guidelines.

Notwithstanding the desire to achieve higher densities (as set out in the Sustainable Residential Development in Urban Area Guidelines), it is acknowledged that there is a need to allow some lower density development in order to achieve a broader range of house types, particularly where there is a high demand for development in unserviced rural areas.

HOU 4-1 Housing Density on zoned lands – The site is designated as 'Medium Density B', with a recommended minimum of 12/ha net density and 25/ha maximum.

5.2. East Cork Municipal District Local Area Plan 2017

- 5.2.1. The East Cork Municipal District straddles two Strategic Planning Areas in the Cork CDP with differing objectives. The Metropolitan Cork County Strategic Planning Area includes Midleton and Environs and stretches down to the Strategic Employment Areas of Whitegate and Aghada and has a more urban character. The second area, which is more rural, is comprised of Youghal and its wider rural hinterland and is referred to as the Greater Cork Ring Strategic Planning Area. The strategy for the latter area includes an objective to facilitate the development of the villages as set out in the LAPs so that the rate of future population growth complements the strategy to achieve a critical mass of population in the towns and provide protection for those areas recognised as under pressure from urban development (223(b)).
- 5.2.2. Provision is made for a growth in population within the East Cork Municipal District of 11,397 persons. The number of households is expected to grow by 7,179 leading to a net requirement for 7,790 new houses. The majority of this growth has been allocated to the towns within the MD (Midleton and Youghal), but it is proposed to accommodate c.1,121 units within the villages. The LAP does not zone land within the villages, but the villages are assigned a Development Boundary and an 'Overall Scale of New Development'. It is stated that it is not intended to be either a target or a maximum limit, but rather, an indication of the number of units that could reasonably be accommodated within the settlement over the lifetime of the plan. In addition, the overall growth has to be balanced against the overall county strategy in terms of the spatial distribution of growth which aims to accelerate the rate of growth of the towns and achieve a critical mass of population.
- 5.2.3. Ladysbridge is designated as a Village and Castlemartyr is designated as a Key Village in the LAP. Objective DB-01 states that within the development boundary of Ladysbridge, it is an objective to encourage the development of up to 40 houses during the plan period. The overall aim for Ladysbridge is to retain its traditional rural character, adequately protect the Architectural Conservation Area and encourage small scale sympathetic residential development in tandem with the provision of employment and services.
- 5.2.4. The site is located within the Development Boundary and in an area zoned Existing Built-Up Area. It is partly situated within a flood zone, with Flood Zone A indicated

along the northern and eastern fringes of the site. Part of the settlement is stated to be at risk of flooding (Objective DB-02). The lands to the immediate southwest are zoned 'public open space'. Objective IN-01 requires lands identified as being at risk of flooding to comply with Objectives WS 6-1 and WS 6-2 of the CDP and with the Ministerial Guidelines – The Planning System and Flood Risk Management.

5.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)**

- 5.3.1. In order for small towns and villages to thrive and succeed, it is stated that their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. New development should contribute to compact towns and villages and offer alternatives to urban generated housing in unserviced rural areas. The scale should be in proportion to the pattern and grain of existing development. In terms of densities, centrally located development in small towns and villages could achieve densities of up to 30-40 dw/ha., whereas edge of centre sites should achieve 20-35 dw/ha. However, in order to offer an effective alternative to single houses in the surrounding countryside, it may be appropriate in a controlled situation to allow a density of 15-20 dwellings at the edge of a town or village, provided that it does not represent more than 20% of the housing stock of the village.

5.4. **National Planning Framework (2018)**

- 5.4.1. The NPF seeks to focus growth in cities, towns and villages with an overall aim of achieving higher densities than have been achieved to date.

NP Objective 11 states that there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages.

NP Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NP Objective 35 seeks to increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of old buildings, infill development schemes, area or site-based regeneration and increased heights.

5.5. Natural Heritage Designations

Ballycotton Bay SPA (site code 004022) is located c.5km to the southeast.

Ballymacoda (Clonpriest and Pillmore) SAC (site code 000077) and Ballymacoda Bay SPA (site code 004023) are located approx. 7-8km to the east.

Cork Harbour SPA (Site code 004030) is located c.9km to the west and

Great Island Channel SAC (Site code 001058) is located approx. 9km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Third Party Appeals have been received from Dr. John Cooney representing the residents of Rathcallan Wood.

6.1.2. The submissions can be summarised as follows:

- **Development unacceptable in principle** – objection is raised to the principle of the proposed development which it is considered will result in the overdevelopment of the village with housing estates. Ladysbridge has already contributed to the meeting of housing need with several housing estates having been constructed or under construction, and the proposed development would bring the total number of dwelling units in the village to 272. This includes Na Banta (72 units), Willowfields (34 units), Dealg Ban (70+ units and a further 20 units planned), Lios na mBan (26 units), Blossom Park (6 units) and Rathcallan Wood (32units). The proposal represents unsustainable development and is contrary to the planning policies for the area as expressed in the national and local guidance.
- **Housing estate out of character with rural village** – the development of such suburban housing estates fails to address the rural nature of the village and is turning it into a commuter satellite village in support of Midleton,

Youghal and Cork City. Thus, it is car-driven and urban-generated development which will add to noise pollution, traffic congestion and infrastructure as well as anti-social behaviour. It has an impact on farming, tourism, and on people living and working in the area. Over the recent past, development has been granted for housing estates without the appropriate infrastructure or services being upgraded, the scale and density is not in keeping with the sustainable growth of the area.

- **Density and scale excessive for local amenities** – the existing facilities in the village are limited and comprise a shop/petrol station, pub, take-away and a church. There are no adequate public transport services, and the car-driven development is resulting in traffic congestion. There has been no improvement in the level of services since the previous permissions have been granted. The introduction of 32 additional units without a corresponding upgrade of services and amenities available within the village would exacerbate the situation for existing residents. The development is therefore premature and unsustainable and is contrary to the Government’s Sustainable Residential Development Guidelines.
- **Design and layout unacceptable** – the proposed design and layout of the development is suburban and pays no regard to the rural character of the village, or to the site and its surroundings. There is no attempt to integrate the development with the established pattern of development.
- **Flood risk** – The site lies within a flood zone which will result in a negative environmental impact.

6.2. Applicant Response to Grounds of Appeal

The submission from TPlan on behalf of the applicant (15/07/21) is mainly in the form of a rebuttal of the grounds of appeal. It was pointed out that the concerns raised by the appellants during the consideration of the case by the planning authority had resulted in revisions to the scheme at that time. Although the revised proposals were readvertised, no further submissions had been received from the public or the appellants. The submission can be summarised as follows:

- **Planning policy** - The site is within the Development Boundary and there is an objective to secure an increase in population in the village. The proposal, which would be delivered in two phases of 20 and 12 units, respectively, is in accordance with this objective and the density is in accordance with Medium Density B. The housing mix is appropriate to the location. The scheme accords with the objective to deliver sustainable residential communities, as it is in an appropriate and sustainable location close to the village, where it is an objective to increase the number of housing units by 40. The Draft CDP also envisages further housing growth for the village.
- **Infrastructure availability and capacity** – Ladysbridge has capacity for the proposed scheme within the existing service provision, unlike other neighbouring settlements. It is also worth noting that the developer is actively constructing houses in the East Cork Area. He is from this area and has extensive knowledge of the local market.
- **Layout of scheme** – the layout was altered in response to the previous objections in terms of improving the relationship with the dwellings at Rathcallan Wood to the north and with the public road to the east. Furthermore, the western end of the development was revised to allow for potential future connectivity with the village.

6.3. **Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

6.4. **Observations**

None received.

7.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

- Principle of Development
- Layout and design of scheme

- Flood risk
- Environmental Impact Assessment
- Appropriate Assessment

7.1. Principle of Development

- 7.1.1. Ladysbridge is a designated 'Village' with a stated number of housing units required during the lifetime of the current Local Area Plan (2017-2022) as 40 dwelling units. However, the planning authority reports note that the proposed development is likely to result in this figure for new housing within the settlement being exceeded by almost 100%. Notwithstanding this, the increase in supply is justified in this instance in the planning reports on the basis that the other villages in East Cork MD have not been experiencing significant planning activity, due to infrastructural inadequacy, whereas Ladysbridge does have the infrastructural capacity and, as a result, has had the benefit of such development. It is stated that this would be in line with the 'Active Land Management' provisions of the LAP. It was further noted that in the recently published Draft County Development Plan, (2022-2027), it is envisaged that Ladysbridge would be able to accommodate a further 40 housing units, and that the P.A. had observed that the applicant is a developer who has been actively constructing housing estates in the general area.
- 7.1.2. The village had a stated population level (in 2015) of 232 houses, which represented a doubling in size during the previous decade. Although the planned scale of development of 40 additional units would be breached by the proposed development in combination with other recently permitted developments, the LAP states that this figure is not a target or a limit but is instead an indication of the number of houses that could reasonably be accommodated within the lifetime of the LAP. In this respect, the 'Active Land Management' approach seeks to manage the delivery of zoned and serviced lands such that these lands come into active use. In this way, the planning system seeks to respond in a dynamic manner to the changing nature of the housing market by differentiating between locations with infrastructural capacity and market demand to deliver the planned housing units sustainably.
- 7.1.3. It is pointed out in the planning reports from the P.A. that Ladysbridge is relatively unique in that it has the infrastructural capacity to support the planned development, whereas the other designated 'villages' in the MD do not have the same capacity.

Furthermore, presumably as a result of these infrastructural deficits, there has been little evidence of any development occurring in these other designated villages, i.e. Ballycotton, Ballymacoda, Churchtown South and Shanagarry/Garryvoe. It is also noted that Castlemartyr, which is a 'Key Village' with a larger population and considerable range of services and facilities, has seen very little development in recent years due to a deficit in infrastructural capacity, although the LAP had identified an additional 235 units for that settlement. Thus, the application of the Active Land Management Approach would lend support to the proposed development currently before the Board, in these circumstances.

- 7.1.4. The appellants have pointed out that the village has enlarged considerably through development of housing estates, but that services in the village remain limited. The services and facilities include one shop (supermarket attached to a petrol station), a pub, a take-away and community facilities. However, the village is located within 2km of Castlemartyr, which has a primary school, sports facilities, churches, a pharmacy, convenience stores, childcare facilities, a Garda Station, a Post Office, etc. The LAP also states that Castlemartyr is served by public transport in the form of buses linking it to Cork City, Youghal, Middleton and Killeagh.
- 7.1.5. I noted from my site inspection that the village has developed around a crossroads with a number of small housing estates. Although the development has inevitably taken place in an incremental manner, I observed a strong cohesive quality to the settlement, as the village has matured over the recent decades. This is partly due to the relatively small scale and the high quality of the individual schemes which are generally located close to the village core or along the main roads radiating from the core, where most of the services are located. There is also good pedestrian connectivity within the village, and I noted many people, including families and children, walking, and cycling around the village during my site inspection.
- 7.1.6. The normal recommended scale of an individual scheme is 20 units, and the proposed development would exceed this by 12 units. I note, however, that the LAP (Table 5.1) states that this may be considered appropriate where it is demonstrated that the overall scheme layout reinforces the existing character of the village and that the scheme is laid out, phased and delivered so as not to reflect a residential housing estate more suited to a larger settlement. It is noted that the planning authority had sought a phasing of the scheme and that the developer has proposed

to build 20 houses only as part of the first phase. The design and layout will be discussed in more detail below. However, I am satisfied that the layout is generally reflective of the design and layout of the existing 32-unit development to the immediate north of the site.

- 7.1.7. It is considered that the location of the site within the development boundary and close to the village centre makes it a suitable location for a residential development. The site is located within 400m of the village core with a footpath connecting it to the village services and community facilities. It is considered, therefore, that the proposed development is acceptable in principle.

7.2. Layout, Design and Density of development

- 7.2.1. The guidance in the national and local policy framework (as summarised at Section 5.0 above), seeks to achieve higher densities in general. This would result in a density of 35-50 dwellings per hectare in centrally located sites and 20-35 units/ha in edge of town locations. However, it is noted that in the review of the Cork County Development Plan, it was recognised that where required densities in urban developments were too high, there was a tendency for a corresponding increased demand for one-off houses in the countryside. For this reason, the current CDP makes provision for lower densities of 15-20dw/ha in an effort to counteract this demand. It is considered that the location of the site in an area which would have a high demand for one-off housing, given its proximity to Cork City, the proposed density of 18dw/ha on this edge of village site is appropriate.
- 7.2.2. The scale of a single individual development in a 'Village' is recommended as up to 20 dwellings/ha. However, where it is considered that the development would reinforce the existing character of the village and the layout and phasing is appropriate, a more flexible approach can be taken. The existing density, character and grain of the village is relatively cohesive with small housing developments of a low-medium scale. There is also a peppering of one-off housing developments at the extremities of the village which are at a very low density, with individual designs and set within mature landscaped sites.
- 7.2.3. It is considered that the proposed design responds well to the character of the existing houses within the overall lands and of development in the village. The phasing of the development would result in two distinct phases of 20 houses being

constructed at first, followed by 12 houses in Phase 2, each of which would generally meet the scale envisaged for development in villages. The scale and density of the development are, therefore, considered to be appropriate in this context.

- 7.2.4. The configuration, topography and orientation of the site, combined with the siting, design and layout of the existing houses at Rathcallan Wood, with its existing entrance and associated internal roadway and the centrally located existing green space, have strongly influenced the layout and design of the development. The ground levels fall to the east and to the west at the western extremity, as well as to the north. This results in a considerable difference in levels between the proposed dwelling units and the established houses to the north (Rathcallan Wood). This has necessitated the re-design of some of the dwelling units to avoid the proposed dwellings having an overbearing presence and giving rise to issues such as overlooking and overshadowing. This involved the lowering of finished floor and ground levels so that there is no more than a metre difference between existing and proposed dwellings, the relocation of Units 2-5, the omission of specific windows on certain elevations and the strategic location of screen planting.
- 7.2.5. A main element of the landscaping plan for the site is to provide a centrally located open space area which is overlooked by the majority of houses within the proposed development. The green space will incorporate the required play areas. The open space extends to the roadside boundary. The revised layout also includes a cul-de-sac at the western end with the facility to provide for pedestrian connectivity at some point in the future along the local road to the west. It is considered that these facilities and amenities would provide for permeability and connectivity through the estate. This would enhance the residential amenity of both the existing and future occupants of the estate and of the village and would help to foster a community spirit in accordance with national and local policy objectives for the creation of sustainable and walkable neighbourhoods.
- 7.2.6. On balance, it is considered that the proposed development would not detract from the character of the village, would not adversely affect the residential amenities of the surrounding area, is responsive to the conditions on site and is respectful of the existing built fabric and heights with an appropriate density whilst providing for adequate amenity for prospective occupants. The layout would also facilitate good levels of connectivity with the village and for good levels of passive surveillance over

the communal areas, in accordance with good urban design practice for the creation of sustainable communities.

7.3. Flood Risk Assessment

- 7.3.1. The appellants consider that the developer has not provided sufficient information to demonstrate that surface water drainage from the site can be managed without giving rise to flooding and consider that a flood risk management plan should be provided. It is clear, however, that the developer submitted a detailed Flood Risk Assessment report with the FI on 26th March 2021. It is considered that the FRA represents a comprehensive and detailed site-specific assessment of the potential flood risk, which was carried out in accordance with the Flood Risk Management guidelines. It included identification of the potential sources of flooding and the undertaking of a detailed hydrological analysis followed by a detailed hydraulic analysis of the identified sources of potential flood risk. The identification of flood risk included a review of various sources including the OPW Preliminary Flood Risk Analysis and the OPW Flood Maps, as well as the OSi 6inch and 25-inch historic maps. Although the Cork County Strategic Flood Map indicates that parts of the Northern and Eastern sections of the site fall within a Strategic Flood Zone A, this is intended as an indicative flood risk only, the purpose of which is to inform development plan and local area plan making. The Site-Specific Flood Risk Assessment is likely to provide a much more accurate assessment of the potential flood risk associated with the proposed development.
- 7.3.2. The primary risk of flooding to the proposed development was identified as fluvial in the form of an extreme fluvial event in an Unnamed Stream which is located to the east of the site. No groundwater or pluvial risks were identified. A further secondary flood risk was identified in the form of potential surcharges of the stream due to blockages occurring in one or two existing culverts on the stream. This unnamed stream flows passed the site in a northerly direction on the eastern side of the road (R632). A detailed hydraulic analysis of this stream was carried out including cross sectional and geometric surveys of the open channel watercourse. The main findings were as follows:

- The stream does not have sufficient hydraulic capacity to convey the 1:1000-year flood volume without surcharging or overflowing. However, any such exceedances would be likely to occur on the right-hand side of the channel due to the topography, and the development site is located on the left-hand side. Thus, there is no direct fluvial flood risk to the site. The site is therefore considered to fall within Flood Zone C.
- The existing culvert to the north (Culvert 1) is 0.9m in diameter and does not have sufficient hydraulic capacity to convey the 1:100-year flood volume. However, the potential surcharge level is predicted at 14.30-14.55m OD, whereas the road levels at this location are 16.43m OD and the proposed FFLs are 16.10m OD (minimum). Thus, the proposed development would not be affected.
- A secondary risk exists whereby there is the potential for either culvert 1 or culvert 2 (to the south of the site) to become blocked. In this scenario, it is predicted that the flood waters would flow along the R632 in a Northerly direction with the potential for ponding to occur at the north-eastern extremity of the development site. This would affect the garden of House No. 1 but would not affect the remainder of the development.

7.3.3. Detailed hydrological analysis were carried out for the 1:100 and 1:1000 events. The highest predictive 1:1000 flood levels were identified as 15.78m OD upstream and 14.89m OD downstream. The proposed FFLs and ground levels within the development indicates that the lowest levels upstream would be 17.10m OD and downstream would be 16.10m OD. It was concluded that the development was appropriate from a flood risk perspective. However, given the issues discussed above, it was recommended that the development should incorporate an appropriate stormwater management system that shall limit stormwater runoff from the development site to existing greenfield runoff rates and volumes.

7.3.4. I would agree on the basis of the information provided that the proposed development does not represent a potential flood risk, as it falls within Flood Zone C, and is not likely to increase the fluvial flood risk elsewhere. The layout of the scheme is such that the only part of the site that would potentially be affected during an extreme fluvial event is laid out as garden/open space. A detailed surface water

drainage scheme has been designed for the site which includes an attenuation pond. It is proposed to attenuate to current green-field run-off, and to connect to the existing public storm drainage system. The planning authority reports were satisfied that the site is located outside of any designated flood risk zone and that the flood risk potential associated with the proposed development had been adequately addressed. I would agree with this conclusion and am satisfied that sufficient detail has been provided in the application documents to support the assertion that the proposed development would not be at risk or give rise to flooding.

7.4. Environmental Impact Assessment

- 7.4.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 1.79ha to provide 32 dwelling units. Accordingly, it does not attract the need for a mandatory EIA.
- 7.4.2. The site is located within the built-up area of an existing village and is approx. 5km distant from any European sites or other sites of conservation interest. Having regard to the nature and scale of the proposed development and to its location within the development boundary of Ladysbridge village, on serviced and zoned lands, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.5. Construction impacts

- 7.5.1. The planning authority has identified potential environmental impacts during construction including potential pollution events, noise and disturbance and dust and dirt on the roads and footpaths. I would agree with these concerns and consider that the residential amenities of both the established residents and of those who would occupy the earlier completions could be adversely affected by the phasing of the development in the absence of an appropriate CEMP.
- 7.5.2. The applicant has agreed, however, to provide a detailed construction management plan, which will also address the detailed phasing of the development. The phasing plans submitted to date are merely indicative. Should the Board be minded to grant

permission, it is considered that the submission of a construction management plan, including a traffic management plan and mitigation measures to control environmental emissions, for the approval of the planning authority, prior to the commencement of works on the site should be required as a condition of any planning permission.

7.6. Appropriate Assessment

7.6.1. The site is located approx. 5-9km away from five European sites.

Ballycotton SPA (004022) is located approx. 5km to southeast

Ballymacoda (Clonpriest and Pillmore) SAC (site code 000077) and Ballymacoda Bay SPA (site code 004023) are located approx. 7-8km to the east.

Cork Harbour SPA (Site code 004030) is located c.9km to the west and

Great Island Channel SAC (Site code 001058) is located approx. 9km to the west.

7.6.2. The Planning Authority screened out Appropriate Assessment on the basis of distance and the absence of any hydrological connection with the development site.

Ballycotton Bay SPA (Site Code 004022) – The site is situated on the south coast and is an east-facing coastal complex comprising two sheltered inlets. It supports an excellent diversity of wintering waterbird species and has national important populations of eleven species, of which two, Golden Plover and Bar-tailed Godwit are listed on Annex I of the E.U. Birds directive.

Qualifying interests include Teal, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Black-tailed Godwit, Curlew, Turnstone, Common Gull, Lesser Black-backed Gull, Wetland and waterbirds.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Ballymacoda (Clonpriest and Pillmore) SAC (Site Code 000077) Site stretches from Ballymacoda for about 6km towards Youghal. It has a good diversity of coastal habitats.

Qualifying interests include Estuaries, Mudflats and sandflats not covered by seawater at low tide, Salicornia Mud, Atlantic Salt Meadows and Mediterranean Salt Meadows.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Ballymacoda Bay SPA (Site code 004023) This site stretches eastwards towards Youghal and is of high ornithological importance for supporting an excellent diversity and large number of wintering waterbirds. Two species which occur, Golden Plover and Bar-tailed Godwit, are listed on Annex I of the E.U. Birds Directive.

Qualifying interests include Wigeon, Teal, Ringed Plover, Golden Plover, Grey Plover, Lapwing, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Wetland and Waterbirds.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Cork Harbour SPA (Site Code 004030) – The site is largely estuarine in nature and consists of a large, sheltered bay with several river estuaries including those of the River Lee, Douglas, Owenaboy and Owenacurra. It is a site of major ornithological importance and is an internationally important wetland site, regularly supporting over 20,000 wintering waterfowl.

Qualifying interests include – Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail Shoveler, Red-breasted Merganser, Oystercatcher, Grey Plover, Golden Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Black-headed Gull and Common Gull. Mute Swan, Whooper Swan and Little Egret also use the site.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

Great Island Channel SAC (Site Code 001058) – The site stretches from Little Island to Middleton and its southern boundary is formed by Great Island. It is an integral part of Cork Harbour and is extremely important for wintering waterfowl.

Qualifying interests include – Mudflats and sandflats not covered by seawater at low tide and Atlantic Salt Meadows.

Detailed conservation objectives have been drawn up for the site, the overall aim being to maintain or restore the favourable conservation status of habitats and species of community interest.

7.6.3. **Assessment of Likely Effects**

As the site is not within a designated site no direct impacts will arise.

The site is located within the development boundary for Ladysbridge on lands which are not zoned area but are serviced. The proposed development will be connected to the public mains for storm water, foul water and water supply. There is no hydrological link or any other source-pathway receptors between the site and the five European sites, which are located c.5-8 km to the southeast and east, and c.9km to the west, respectively. As a consequence, there is no potential for indirect effects from emissions during the construction phase. I would concur with the conclusions of the planning authority's screening report that no indirect impacts are envisaged.

In terms of the operational phase, the development would connect to existing services in Ladysbridge. The planning authority is satisfied that there is adequate capacity in the wastewater and stormwater systems. Irish Water has indicated that connection to the public water and foul water systems will be permissible. These matters have been addressed, as discussed previously, and are considered to be satisfactory. The storm sewer is by gravity to an attenuation tank which will discharge via flow control to the storm sewer. The attenuation tank has adequate capacity, and the proposed surface water system is designed to attenuate to green field runoff.

In conclusion, the proposed development will be connected to the public system by Irish Water, and it will be necessary to sign an agreement with Irish Water to this effect prior to commencement of development. Given the nature and scale of the proposed development, the availability of public infrastructural services within the

village, and the remote distance from the European sites, there is no potential for indirect effects during the operational phase.

7.6.4. Screening Statement and Conclusions

It is 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 and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Ballycotton Bay SPA (004022), Ballymacoda (Clonpriest and Pillmore) SAC (000077), Ballymacoda Bay SPA (004023), Great Island Channel SAC (site code 001058) and Cork Harbour SPA (004030), in view of the Conservation Objectives for these sites. It is considered, therefore, that a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above-described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the location of the site within the development boundary for Ladysbridge and to the specific objective as set out in the East Cork Municipal District Local Area Plan 2017 to encourage the development of up to 40 additional dwelling units within the development boundary during the plan period, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact on the rural character of the village and would be acceptable in terms of traffic safety and convenience. 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 plans and particulars submitted to the planning authority on the 26th day of March 2021 and 29th day of March 2021, 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 developer shall comply with the following requirements: -
 - (a) All bathroom/ensuite windows shall be fitted and permanently maintained in obscure glass. The use of film is not permitted.
 - (b) No dwelling within a particular phase of the development shall be occupied until all services for that phase have been connected and operational.
 - (c) Each proposed house shall be occupied as a single dwelling unit.

Reason: In the interest of the residential amenity.

3. The development shall be carried out on a phased basis, in accordance with the details submitted to the planning authority on the 26th day of March 2021. A detailed phasing scheme which shall include the provision of the main green/amenity areas serving the proposed development as part of the first phase, unless otherwise agreed with the planning authority, shall be submitted to and agreed in writing with the planning authority prior to the commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of occupants of the proposed dwellings.

4. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water. No dwelling

shall be occupied until water and sewerage services serving the development have been installed and functioning in accordance with the connection agreements made with Irish Water.

Reason: To ensure that satisfactory water and wastewater arrangements are in place to serve the development.

5. Water supply and drainage arrangements, including the attenuation and 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.

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

Reason: In the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. Sight distances of 80 metres to the west and to the east of the entrance to the development shall be provided from the centre point of the entrance, 3.0 metres back from the road edge. Sightlines and the road markings shall be carried out in accordance with detailed standards of the planning authority for such works prior to the occupation of any dwelling. No vegetation or structure shall exceed 1 metre in height within the sight distance triangle.

Reason: In the interest of road and public safety and visual amenity.

9. A minimum of two parking spaces shall be provided and maintained within the curtilage of each dwelling unit.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

10. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of sustainable transportation.

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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

13. (a) All screen walls and boundary walls within the proposed development shall be constructed and finished in accordance with the details submitted to the planning authority on the 26th of March 2021.
- (b) Details of the location, design and construction method of any retaining walls, including those between plots, shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity and public safety.

14. Proposals for an estate/street name, housing numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in

accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

15. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 21st day of December 2020, as amended by the layout plan submitted on 26th day of March 2021. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

16. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works in Housing Areas issued by the Department of Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the Planning Authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

17. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

18. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. 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.

20. The construction of the development shall be managed in accordance with a Construction and Environmental 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

- Location of site/materials compounds including areas for the storage of construction refuse.
- Location of areas for construction site offices/staff facilities.
- Details of site security fencing and hoardings
- Details of on-site car parking facilities for site workers during the course of construction.
- Measures to obviate the need for queuing of construction traffic on the local road network.
- Details of appropriate mitigation measures for noise, dust and vibration and for monitoring of such levels.
- Containment of all construction related fuel and oil within specially constructed bunds to ensure that fuel spills are fully contained. Such bunds shall be roofed and exclude rainwater.
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- Means to ensure that surface water is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

21. Prior to the commencement of any dwelling house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

22. 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 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.

23. 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.

Mary Kennelly
Senior Planning Inspector

27th September, 2021