



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
ABP-311685-21**

Strategic Housing Development	299 no. residential units (185 no. houses, 114 no. apartments), creche and associated site works.
Location	Annabella (townland), Mallow, Co. Cork.
Planning Authority	Cork County Council
Prospective Applicant	Reside Capital Limited.
Date of Consultation Meeting	07/12/2021
Date of Site Inspection	05/11/2021
Inspector	Conor McGrath

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1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1. The subject site comprises a stated gross area of 9.4ha, primarily comprising two agricultural fields on the northwestern edge of Mallow. The lands rise from the public road to the south, toward the centre of the site, before falling again toward the northern site boundary. The gradient of the slope increases in the northern areas of the site. The internal and external boundaries are comprised of mature hedgerow and trees. An area of steep ground in the northeastern corner of the site runs north toward Leaselands Stream, which flows west-east through an area of mature woodland and discharges into the River Blackwater. The application site includes a corridor which runs east for approx. 360m across adjoining agricultural lands and through an established residential estate (Woodview Drive) to join with Railway Lane to the east. The lands to the east and west of the site remain in agricultural use.
- 2.2. Annabella Park / Kennel Hill Road runs along the southern boundary of the site and provides access to Mallow via a junction with the N72 / Navigation Road approx. 850m southeast of the site. The road serves a number of residential developments and is provided with footpaths of varying quality along one side, to a point approx. 350m east of the site. The gradient of the road is relatively steep at times.

3.0 Proposed Strategic Housing Development

The proposed development comprises the following:

- 299 no. residential units comprising
 - 185 houses, comprising a mix of 2, 3 & 4-bed detached, semi-detached and terraced houses,
 - 50 no. 2 and 3 bed duplex / apartment units; and
 - 64 no. apartments comprising a mix of 1 and 2 bed units in 2 no. 4 storey blocks with basement parking.
- A 451.3m² creche / childcare facility.
- Landscaping and amenity areas to include 6 no. neighbourhood play areas, a MUGA, 1 no. Kickabout area, an amenity walkway and informal grassed areas.
- All associated infrastructure and services including 1 no. vehicular access point, and an amenity walk / pedestrian access and pedestrian crossing on to local road to the east, parking, lighting, ESB sub-station and drainage.

3.1. Key development parameters include:

Site area	9.4ha gross / 8.54ha net	
No. of units	299 no.	<ul style="list-style-type: none"> • 185 houses (62%) • 50 no. apartments/duplex units (17%) • 64 no. apartments (21%)
Density	31.8 / ha gross or 35 / ha net	
Public open space	1.2ha / 14.2%	
Car Parking	477 no. spaces plus 10 no. spaces for creche	
Cycle parking	470 no. spaces	
Creche	451.3-sq.m.	

Unit type	No.	%
1-bed	53 no.	17.7%
2-bed	103 no.	34.4%
3-bed	101 no.	33.8%
4-bed	42 no.	14%

Parking is proposed at the following rate:

- 2 no. spaces for all 3 and 4 bed houses
- 1.5 no. spaces for all 2 bed houses
- 1 no. parking space for apartment and duplex units
- 16 no. visitor parking spaces are spread around the site.

4.0 Relevant Planning History

PA ref. 15/6119 ABP Ref. PL 04.246853: Permission granted on lands to the east of the subject site, fronting Kennel Hill Road, for the removal of disused farm buildings and construction of 61 no. houses and all associated works including vehicular access, parking, footpaths, foul and storm water drainage. This included drainage infrastructure traversing the subject site. This application was presented as Phase 1 of three phases of development, while the subject site occupies the phase 2 and 3 lands. In accordance with development plan objective R-05, a crèche was to be provided as part of Phase 2 of the development.

This permission was subject to a special development contribution toward the upgrading of the junction of Kennel Road and the N72, which was the subject of appeal to ABP.

Permission to extend the duration of the permission of 15/6119 was granted by Cork County Council under Ref. 20/6130 and now expires on July 12th, 2026.

PA ref. 16/6023: Permission granted for the construction of a crèche facility to serve the residential development permitted under PA ref: 15/6119 and all associated ancillary development works. This facility is located in the south-eastern corner of the site of 15/6119.

PA ref. 15/6970 ABP ref. PL 04.247607: Permission granted in April 2017 to the northeast of the subject site for a residential development comprising 88 no. houses and associated works. This site had been the subject of previous applications under PA ref. 06/55020 (grant) and PA ref. 13/55023, ABP ref. PL04.244097 (refuse).

An application to extend the duration of planning permission ref 15/6970 was deemed invalid, under Planning Ref. 21/6648.

Lands to south (on opposite side of Kennel Hill Road):

PA ref. 06/4049 ABP ref. PL 04.223090: Permission refused to Castlelands Construction Ltd. for 290 no. houses and associated works, for the following reasons:

1. Prematurity pending construction of the proposed Link Road from Park Road to Navigation Road (N72) which is an objective of the Mallow Special Local Area Plan, 2006. Given the existing capacity deficiency, the road network serving the proposed development would be unsuitable to carry the increased road traffic likely to be generated from the proposed development, would endanger public safety by reason of traffic hazard and be an obstruction to the other road users.
2. The Board is not satisfied that an adequate water supply is available.

Ref. 06/55002 ABP ref PL70.223108: Permission refused to Castlelands Construction Ltd. for 436 no. residential units and associated works on lands to the south of the subject site, for the same reasons as 06/4049, PL 04.223090.

Ref. 06/7956: Permission granted to Castlelands Construction Ltd. for an extension to proposed access road and associated works through a proposed residential development.

5.0 Section 247 Consultation(s) with Planning Authority

The submitted documentation refers to a S.247 pre-planning meeting with Cork County Council on 1st July 2021. The main points discussed at this meeting are reported to include the following:

- Access and pedestrian and cycle connections along Kennel Hill.
- Surface water drainage design.
- Scale and density of development and visual impacts on this elevated site.

- Design and layout, including connectivity and dominance of roads and parking.
- Design of the internal road layout.
- Improved permeability and integration of the site features.
- Design and layout of open space and compliance with the development plan Recreational and Amenity Policy.
- Community infrastructure requirements associated with this zoning objective.
- Location and layout of apartments and internal design.
- Management of apartment and duplex units.
- Relationship with adjoining developments along Kennel Hill.
- Kennel Hill / N72 / N20 junction constraints and capacity of Kennel Hill.
- Details of stream crossing required.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3C seeks the delivery of at least 30% of all new housing that is targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.

Objective 4 seeks the creation of attractive, liveable, well designed high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and wellbeing.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

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

6.1.2. **Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)**

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually and to provide 47,000 social housing units in the period up to 2021. The five pillars for action plan include:

Pillar 2 - Accelerate Social Housing

Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices, doubling housing output over the Plan period.

6.1.3. **Housing for All - A New Housing Plan for Ireland (Sept 2021)**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

6.1.4. **Southern Region - Regional Spatial and Economic Strategy 2020**

The strategy for a strong, resilient, sustainable region, includes measures to strengthen and grow cities and metropolitan areas. Key principles include an adequate supply of quality housing, and regenerating and developing existing built-up areas as attractive and viable alternatives to greenfield development.

Mallow is identified as a Key Town, defined as large population scale urban centres, functioning as self-sustaining regional drivers. Strategically located urban centres with accessibility and significant influence in a sub-regional context.

RPO 11: Key Towns

- a. Local Authorities are supported in targeting growth of more than 30% for each Key Town.....The appropriate level of growth is to be determined by the Core Strategy of Development Plans.
- c. A Local Transport Plan will be prepared for all the Key Towns.
- k. To plan increasing population growth in all Key Towns on a phased basis in collaboration with Irish Water, the local authority and other stakeholders to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges do not contribute to water quality degradation and avoids adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network.

Key Infrastructural Requirements for Mallow include

- ii. Relieve traffic congestion through relief road (Northern Relief Road) and other transport measures through a Local Transport Plan.
- iii. Critical water and wastewater infrastructure for both phased growth and to protect and enhance the natural heritage of the Blackwater Catchment.

RPO19: Mallow

- a. To sustainably strengthen the employment-led growth and town centre-led regeneration as a regional economic driver, leverage its strategic location and accessibility on inter-regional road and rail networks to build upon inherent strengths.
- b. Seek investment to support attributes and the sustainable delivery of infrastructure, including enhanced inter-regional connectivity (transport networks and digital) along the strategic road network N20/M20 corridor to the Cork and Limerick-Shannon metropolitan areas and Atlantic Economic Corridor.
- d. Future growth should be planned for on a phased basis in consultation with the Local Authority and Irish Water to ensure that sufficient wastewater capacity is accounted for and to avoid negative impacts on the River Blackwater.

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority and others, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities.
- Urban Development and Building Heights, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- Childcare Facilities – Guidelines for Planning Authorities.

6.3. **Local Planning Policy – Cork County Development Plan 2014**

Chapter 2: Core Strategy -

CS 3-1: Network of Settlements: Strategic Aim of Hub Town (Mallow)

To grow its population to 20,000 as envisaged by the NSS. Develop as a major integrated employment centre so that it fulfils its role at regional and county level and should be location of choice for most people especially those with an urban employment focus.

CS 4-2: Metropolitan Cork Strategic Planning Area

a) Recognise the importance of the role to be played by Mallow as a 'Hub' town in the implementation of the NSS and the Atlantic Gateways Initiative to focus growth in North Cork and; to promote its development as a major centre of employment and population where there is a high standard of access to educational and cultural facilities, and to provide the necessary infrastructure to ensure that the expansion can be achieved without having adverse impacts on the receiving environment.

Housing Objective HOU 3-1: Sustainable Residential Communities

- a) Ensure that all new development supports the achievement of sustainable residential communities.
- b) Promote development which prioritises and facilitates walking, cycling and public transport use.
- c) Ensure that urban footpaths and public lighting are provided connecting all residential developments to the existing network of footpaths in an area and that such infrastructure is delivered in tandem with the occupation.

HOU 4-1: Housing Density on Zoned Lands

Medium A Density (min. 20 – max. 50, units per Ha)

- Applicable in city suburbs, larger towns over 5,000 population and rail corridors.
- Apartment development is permissible where appropriate but there is no requirement to include an apartment element in development proposals.
- Consider a lower standard of public open space provision where larger private gardens are provided.
- Must connect to public water and wastewater services.
- Broad housing mix normally required including detached/serviced sites unless otherwise specified in relevant Local Area Plan.

Appendix Table B.12: Housing Requirements for Kanturk- Mallow Municipal District, identifies a population target of 4,777 new dwelling units 2011 – 2020.

6.3.1. Kanturk Mallow Municipal District Local Area Plan 2017

The majority of growth for the LAP area is allocated to the towns, most of which is planned for Mallow (4,552) as the designated hub town.

There are two substantial areas identified for urban expansion, including the smaller North West Urban Expansion Area which is in closer proximity to the town centre at Kennel Hill / Kilnockan. It is the intention that these areas will contain significant residential development as well as community services.

The development of these areas is subject to a number of constraints and significant infrastructure is required to facilitate development. In the absence of greater certainty around these issues it would be premature to seek to resolve the more detailed allocation of land uses or the layout / design of future development.

Constraints on the NW Urban Expansion Area include:

- Natural heritage and biodiversity and the presence of the Blackwater SAC.
- Transport Issues: Developing these lands requires significant new road / rail crossing infrastructure to provide improved access and connectivity with the rest of the town, where schools and services are concentrated, requiring a comprehensive access strategy.
- The Mallow Traffic and Transportation Study 2011 identified significant new roads infrastructure for this area.
- Upgraded wastewater treatment plant and delivery of a water supply scheme is required to deliver the target population.
- The need for a comprehensive SUDS strategy.

General objectives:

MW-GO-01 Plan to achieve a target population to 20,000 persons. Provide a balance between housing and employment uses to support Mallow's development as an integrated live/work destination.

MW-GO-04 In accordance with Objective WS 5-1 of the County Development Plan, all new development will need to make provision for Sustainable Urban Drainage Systems (SuDS) and provide adequate storm water infrastructure.

MW-GO-05 Prepare a Traffic and Transportation Plan for Mallow. All development will be required to be consistent with the recommendations of this Plan.

MW-GO-08 Improve and enhance pedestrian and cycling connectivity particularly north / south across the river and east / west across the railway line and N20.

MW-GO-09 - Provide for the coordinated and phased development of the Urban Expansion Areas to the Northeast and Northwest to deliver high quality housing / community and employment uses.

The lands are zoned **MW-R-09 Medium A Density Residential Development:** Proposals should give consideration and where necessary provide for school and/or other desirable community infrastructure required for this area of the town. Retain character, reinforce planting and provide an amenity corridor/walk along the stream to northernmost extent of the site to link with existing walkway to the west of the railway line. Proposals should seek to link with adjoining residential areas as part of an overall open space network. Consideration should be given to the provision of serviced sites within the overall layout. (TIA and RSA required)

6.3.2. **Draft Cork County Development Plan 2022-2028**

(This plan is due to be adopted in April 2022 and come into operation c. June 2022). Volume 3 deals with North Cork. Mallow has been allocated a population target of 16,046 to 2028, with a requirement for an additional 1,428 housing units in the period 2020-2028.

The lands are zoned MW-RR-03: Residential Reserve. See objective ZU 3-12 Residential Reserve of the Plan.

Proposals should set out an orderly framework for the overall co-ordinated and phased development of the area taking into account infrastructural deficits and the topography and visibility of the site within the wider area. Development of this residential reserve is dependent on:

- Provision of satisfactory access proposals that address the needs of the site and its surrounding context.
- The availability of appropriate water and wastewater infrastructure to cater for the needs of the development.
- Mitigation of any negative effects on the landscape, natural and built heritage.

(TIA and RSA required)

Section 2.3.11 of Volume 3 notes that in accordance with objective ZU 3-12 *Residential Reserve* in Chapter 18 of Volume One of the Plan, consideration may be given to the development of these 'Residential Reserve' sites prior to the end of the current plan period under certain specified circumstances.

Volume 1, section 18.3 notes that in relation to Residential Reserve, in the Metropolitan Towns there are lands which were zoned for development in the 2017 LAP's which will generally not be required over the period of the Plan to 2028 but have been included in the Residential Reserve where they comprise infill or contiguous sites or have a planning history for residential use and can form part of the long-term sequential expansion of the settlement. Similarly, where such lands exist in the Key towns of Mallow and Clonakilty, they have also been included in the Residential Reserve, where considered appropriate.

Objective ZU 18-21: Residential Reserve: Provide a land reserve for the long term orderly development of the Metropolitan townsand the Key Towns of Mallow and Clonakilty. Such lands will not generally be required for development over the period of the Plan to 2028.

From the beginning of year four of the Plan (May 2025), consideration may be given to the development of some 'Residential Reserve' lands where the Planning Authority is satisfied that:

- a) Delivery of housing on zoned lands is proceeding faster than anticipated and additional land is required for the remaining Plan period, or
- b) It can be clearly demonstrated, to the satisfaction of the planning authority, that a zoned parcel of land will not come forward for development due to infrastructural or other demonstrable constraints during the remaining period of the Plan, and the proposed residential lands can be serviced and offer a reasonable substitute in terms of capacity, sequential development, connectivity, access to services and amenity etc., to secure the population and housing targets for the settlement.
- c) The Planning Authority is satisfied that delivery of the development can reasonably commence before the end of the Plan period, and infrastructure is in place or can be provided to facilitate same.
- d) Where development is considered under (b) above the scale of development shall not generally exceed the capacity of the zoned lands it is replacing.

MW-GO-05: Prepare a Local Transport Plan for Mallow to address transportation issues affecting the town. All development will be required to be consistent with the recommendations of this Plan.

6.3.3. **Mallow Town Development Plan 2010-2016**

Adjoining lands are zoned for residential use.

7.0 **Submissions Received**

Irish Water: A Confirmation of Feasibility has been issued advising that connection(s) are feasible subject to the following:

- A project to upgrade the Mallow WWTP and increase capacity is scheduled to be completed by 2022 (subject to change).
- Upgrade works on the wastewater network in this area, as part of the wider Infrastructure Plan are required, including new sewers and sewer upsizing. The applicant may be required to contribute toward the costs of required upgrades in conjunction with other developments in the contributing area.
- Potential upgrades to the water network are required, the extent of which need to be modelled in more detail. The applicant may be required to contribute toward the costs of required upgrades in conjunction with other development in the area.
- The applicant is required to engage with Irish Water to agree a high level solution to water and wastewater connections and any required upgrades to the networks in advance of any SHD application.

8.0 **Forming the Opinion**

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation submitted with this pre-application consultation request is set out in appendix 1 to this report.

In accordance with section 5(5)(b) of the Act of 2016, the documentation includes a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. Neither the statement nor the supporting documentation submitted identify any material contravention of the development plan.

The Statement of Consistency considers the following policy documents:

- Project Ireland 2040: National Planning Framework (2018).
- Rebuilding Ireland: Action Plan for Housing and Homelessness (2016).
- Sustainable Residential Development in Urban Areas (2009), Department of Environment, Heritage and Local Government.
- Urban Design Manual – A Best Practice Guide 2009, Department of Environment, Heritage and Local Government.
- Design Manual for Urban Roads and Streets (DMURS) 2013, Department of Transport, Tourism and Sport.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018, Department of Housing, Planning and Local Government.
- Childcare Facilities Guidelines, June 2001.
- Southern Regional Assembly: Draft Regional Spatial and Economic Strategy (2019) (sic)
- Cork County Development Plan 2014.
- Kanturk Mallow Municipal District Local Area Plan 2017.

The statement summarises compliance with these policy documents under the following broad headings:

- Context.
- Density and Housing Mix.
- Layout.
- Landscape and Amenity.
- Sustainability – efficiency and adaptability.

Relevant provisions of each of the policy documents are set out in tabular form along with a response outlining how the proposed development is considered to be consistent therewith.

8.2. **Planning Authority Submission**

A submission from Cork County Council was received by An Bord Pleanála on 15/11/2021 in accordance with Section 6(4)(b) of the 2016 Act, which includes the following:

- Details of section 247 consultations held with the prospective applicant.
- The Planning Authority's opinion as to what considerations may have a bearing on An Bord Pleanála's decision, in relation to the proposed development.
- Details of relevant planning applications in the area.

The statement of the opinion of the planning authority makes the following points:

- The site is subject to the Cork County Development Plan 2014, the Kanturk Mallow Municipal District Local Area Plan 2017, and the Mallow Town Development Plan 2010 - 2016.
- The draft County Development Plan 2022 is due to be adopted in April 2022 and come into effect in June 2022. It will replace and combine these three plans into a single land use plan.
- The Draft County Development Plan proposes to amend the current zoning to Residential Reserve.
- It identifies a requirement for a coordinated approach to the development of the wider area and dependencies in relation to access, the availability of water

services and the mitigation of any negative effects on the landscape, natura and built heritage of the area.

- Having regard to the current zoning and planning history, an application could be considered.
- Clarification is required on the status of adjacent permitted development under ref 15/6119 and Ref No 15/6970 and the phasing / delivery of same.
- A detailed and comprehensive Traffic and Transport Assessment for the entire Annabella area is required.
- There are other proposals for this area at pre-planning stage.
- The proposed density is within the appropriate range.
- A visual impact assessment is required given the site's elevated position, the pattern of development in the area, the site coverage, under provision of public open space and other layout issues. A reduction in unit numbers may be warranted to address detailed design issues raised in this report.
- While it represents a considered and reasonably well-designed development and provides for a range of family type accommodation needs and tenures, further design changes are warranted.
- The creche should be relocated centrally away from the estate entrance, possibly with other community infrastructure elements.
- A rationale for the proposed level of childcare provision is required.
- Greater distinction between character areas should be achieved in terms of finishes, fenestration etc.
- Public, communal and private spaces should be more clearly defined, particularly adjoining apartment blocks.
- Public open space is deficient in quality and quantity. A significant portion is outside the ownership of the applicant and includes existing open space.
- The scheme lacks a large usable public open space capable of accommodating active and passive recreational activity.
- Frontage to Annabella Park / Kennel Hill is inappropriate for this rural interface.
- Regard should be had to existing ecological features / networks.
- The proposed phasing delays the delivery of the most significant open spaces and proposed recreational route to the town.

- Specific objective MW-R-09 requires consideration of community infrastructure. An infrastructural audit (community facilities) should inform the development.
- The northeastern pedestrian / cycle route is positive but existing pedestrian facilities at the railway bridge and N20/ N72/ Kennel Hill junction and connectivity to the town are inadequate.
- There are serious concerns regarding
 - the capacity of Kennel Hill to cater for this development, in addition to permitted and planned development, due to deficiencies in road / pavement width and alignment.
 - the Kennel Rd / N72 junction, movement under the railway bridge and proximity to the important N20 Annabella Roundabout, and impact on traffic efficiencies.
- Significant upgrade / improvements are required to facilitate walking / cycling including improvements to N20 pedestrian crossings.
- The input of TII and local NRDO is critical to identify capacity.
- The AM Peak on the N72 is a critical matter to be addressed in the TTA.
- A traffic and public realm enhancement plan is required for the area.
- Clarification is required regarding the delivery and phasing of pedestrian / cycle connections in existing and permitted developments, on third-party lands.
- There is concern regarding the design and delivery of critical cycle/walk connections to the town, due to distances, gradients, control over adjoining lands.
- It may be appropriate to condition delivery in tandem with completion and occupation of first 80 - 100 residential units, (or a cap on further development).
- Drainage and water infrastructure design should have regard to the hydrological connection to the River Blackwater.
- The integrity of the Blackwater River SAC is the primary ecological concern.
- Irish Water is carrying out improvement works to the WWTP.
- Development should connect to Irish Water's planned upgrade of sewers in the area and consider wastewater loadings from residential estates to the east.
- Natural drainage or nature-based solutions are the preferred design for surface water management.
- Use of a widespan bridge on Leaselands stream is welcome. A method statement in relation to these works should be prepared in consultation with IFI.

- Landscaping and tree protection works should be detailed. The southern site boundary and internal field boundary should be protected.
- EIA screening should consider surrounding development.
- An Archaeological Impact Assessment should inform the design and layout.
- Part V housing proposals are acceptable.
- The phasing of the riverside walkway, duplex and apartment blocks threatens achievement of a sustainable density and choice of unit types.
- The following supplementary reports / assessments are required: Visual Impact Assessment; Archaeological Impact Assessment; Traffic and Transport Assessment; EIAR screening; An Audit of creche and community facilities; Construction and Environment Management Plan (CEMP); revision to the EclA to include aquatic assessment of the Leaselands stream.
- Up to date engagement with Irish Water should be evidenced in relation of planned and required infrastructural works.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 07/12/2021, commencing at 2.30pm, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land Use and Development Principle & Development Strategy
2. Access and connectivity, including Kennel Hill and N72 junction.
3. Design and layout
4. Drainage and Water Services
5. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311685-21'

which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the Land Use and Development Principle & Development Strategy, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- Status of the current Draft Cork County Development Plan 2022.
- Compliance with the current land use zoning objectives for the lands and consideration of community infrastructure on the site.
- The status of adjoining permitted developments and clarification of lands within the prospective applicant's ownership and lands affected by the proposed development.

In relation to access and connectivity, including the Kennel Hill and N72 junction, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- Development Plan / Local Area Plan requirements for improved access and connectivity in this area, and the status of the Traffic and Transportation Plan for Mallow referenced in the LAP.
- The status of proposals to extend and upgrade pedestrian and cycle connections along Kennel Hill / Annabella Park Road.
- The nature and extent of improvement works proposed at the Kennel Hill and N72 Junction, including responsibility and funding of works.
- The assessment of trip generation and operation of the Kennel Hill / N72 junction.
- The design and delivery of the northeaster pedestrian / cycle route and connectivity to Railway Lane.

In relation to Design and Layout, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The design and layout of public open space and recreational amenities within the development.
- The approach to the provision of childcare facilities within the development.

In relation to the Drainage and Water Services, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The nature and extent of water and wastewater infrastructure works required to facilitate development in this area.
- The design of the surface water management system and relationship with adjoining existing and permitted development.

In relation to Any Other Business, the Prospective applicants queried the timeframe for the issuing of the opinion. The planning authority made reference to a legal challenge to a residential development to the east of the town, which may be of relevance.

9.0 Conclusion and Recommendation

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and other parties, and the discussions which took place at the tripartite meeting. I have had regard to national policy, including s.28 Ministerial Guidelines, and local policy, via the statutory plans for the area.

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in

respect of the following elements, details of which are set out in the Recommended Opinion below.

- The capacity of the road network to accommodate the vehicular, pedestrian and cycle movements likely to be generated by this and other permitted developments in the surrounding area. In particular, concerns arise in respect of the capacity and safety of the junction of the N72 / Kennel Hill Road and the N72 / N20 roads, and in terms of pedestrian and cycle connectivity along Kennel Hill.

Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.”

10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and

amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of how the constraints on development in the Northwestern Urban Expansion Area, identified in the Kanturk Mallow Municipal District Local Area Plan 2017, have been addressed in order to facilitate this development, and in particular those constraints relating to transport and connectivity to the rest of the town.

In this regard, further consideration is required in respect of the capacity of the surrounding road network to accommodate the vehicular, pedestrian and cycle movements arising from the proposed development, and other permitted development in this area. Details to be provided with any application should, inter alia, address the following matters:

- A. An assessment of the quality, width and alignment of roads and footpaths on Kennel Hill.
- B. Detailed proposals to connect the proposed development to the existing footpath network on Kennel Road, which should be achievable independent of any other planning permission / proposed developments in this area. Such proposals should include evidence of the consent of any third parties affected by such works.
- C. An assessment of the capacity of the Kennel Hill / N72 junction and the N72 / N20 junction to accommodate the pedestrian, cycle and vehicular traffic

movements likely to be generated by the proposed development, and other permitted developments in the area.

D. Detailed proposals and design specifications of identified improvement works required at these junctions, to include details with regard to:

- i. Any planning consent, or other consents, likely to be required in respect of such works.
- ii. The party responsible for the carrying out of the works.
- iii. A timetable for completion of works.
- iv. Details of the funding of works; and
- v. Evidence of any necessary third-party consent required for their completion.

This may require amendment to the documents and / or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. The application should be accompanied by the following:

- i. A Traffic Impact Assessment (TTA) and a preliminary Construction Traffic Management Plan. The TTA should have clear regard to the extent of existing, permitted and proposed development in this area. The assessment should provide a clear justification and validation for the trip rates used in the assessment of traffic likely to be generated by the proposed development, and on the surrounding road network.
- ii. A Mobility Management Plan, which should identify mechanisms and responsibility for its on-going implementation and monitoring.
- iii. A quality audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The quality audit should address internal roads and

connections through the development as well as external connections between the development and the town.

2. The application should describe the overall design approach to accommodate the varying levels across the site in order to minimise the wider visual impacts of the development, and the use of retaining walls. Particular regard should be had to the interface of northern public open space with structures at Apartment Blocks 1 & 2.
3. Detailed design proposals should be provided in respect of Sustainable Drainage Systems (SUDS) measures that will be implemented to address issues of surface water quality and volume, which should include measures such as permeable paving, swales, green roofs, rainwater harvesting, detention basins, ponds and wetlands. Proposals in this regard should address the issues raised in the report of Cork County Council received by An Bord Pleanála on 15/11/2021.
4. The application should clearly identify any amendments which may be required to the development previously permitted under PA ref. 15/6119, ABP Ref. PL 04.246853 (and extended under PA ref 20/6130), particularly with regard to the design and layout of access roads and water and drainage services.
5. The application should provide further detail with regard to the design and treatment of the proposed north-eastern pedestrian and cycle connection which traverses adjoining lands, including an area of public open space. Such detail should include routing and landscaping measures to ensure that the proposal does not unduly fragment or otherwise erode the amenity value of the public open space, and that the residential amenities of no.'s 15 – 29 Woodview Drive are not impacted by these proposals. The treatment of levels along the route should be clearly described.
6. A public lighting scheme should be provided which shall include lighting along Kennel Hill Road and along the route of the proposed north-eastern pedestrian and cycle route.
7. The application should demonstrate how pedestrian connections through the development, and connections from the proposed development to existing and permitted adjacent residential developments, will be suitably overlooked and supervised.

8. A report that specifically addresses the proposed materials and finishes to the scheme should be submitted, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site. In this context, the report should address in particular, the proposed materials and finishes to Apartment Blocks 1 & 2, which include extensive areas of cement render finish.
9. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development
10. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
11. The application should describe the relationship between the proposed development and existing and permitted residential properties adjoining the site, and how the development will ensure that satisfactory standards of residential amenity and privacy will be maintained.
12. A survey of existing trees on the site should be undertaken and a detailed Arboricultural Impact Assessment of the proposed development should be provided with any application. Accompanying plans should clearly identify existing trees to be retained or removed, and their condition and value. The viability of retaining identified trees should be clearly established, having regard to the extent of site works proposed.
13. The application should demonstrate compliance with the requirement of the MW-R-09 zoning objective to give consideration to, and where necessary provide for school and/or other desirable community infrastructure required for this area of the town.

The conclusions of the Childcare Demand Report are noted, however, an assessment of childcare facilities in this area should also have regard to the

permitted facility on adjoining lands under PA ref. 16/6023, and should give consideration as to how the cumulative demand arising from existing, permitted and proposed development in this area can be met in a rational and efficient manner. Regard should also be had to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments (2020) in this regard.

14. The application should demonstrate how the proposed phasing strategy will ensure that adequate levels of residential amenity and open space, and accessibility to the town centre, are achieved for residents of the initial phases of development. The phasing strategy should also address the timing of road infrastructure upgrades required to facilitate the proposed development.
15. The Ecological Impact Assessment Report should include the results of all surveys undertaken in respect of these lands, including in particular breeding bird surveys, and mammal and bat surveys. Documentation should confirm that all surveys were undertaken at the appropriate times of the year.
16. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
17. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

- TII

- Irish Water
- Inland Fisheries Ireland
- Minister for Housing, Local Government and Heritage
- Heritage Council
- An Taisce
- County Childcare Committee
- Irish Rail

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Conor McGrath
Planning Inspector

15/12/2021

Appendix 1:
Documentation accompanying the S.5 request:

- Cover letter which includes:
 - A schedule of residential units
 - Part V details
 - Gross floorspace of the development and schedule of accommodation
 - Pre-Planning Minutes
 - Confirmation of Feasibility statement from Irish Water
- Letters of Consent
- Completed Application Form and relevant application fee
- Statement of Consistency
- Planning and Design Statement
- Schedule of Drawings
- OS Maps at 1:1000
- Site Layout plans at 1:500
- Copies of plans, sections and elevations prepared
- Building Lifecycle Report
- Housing Quality Assessment
- Landscaping Plan
- Civil Engineering Report
- Construction & Environmental Management Plan
- Construction and Demolition Waste Management Plan
- Engineering Drawings
- Traffic and Transportation Assessment
- Mobility Management Plan
- Utility Report and associated drawings
- Daylight, Sunlight & Overshadowing Assessment
- Archaeological Assessment
- Summary Ecology Note
- Section 5(5)(iii) Report
- Childcare Demand Report
- School Demand Report.