



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311730-21

<b>Development</b>	Development consisting of construction of 96 no. residential units, 1 no. crèche, associated car parking, landscaping and all associated site works.
<b>Location</b>	Dublin Pike and Ballyhooly Road, Ballincroilig, Cork
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	2140038
<b>Applicant(s)</b>	O'Leary and O'Sullivan Developments Ltd
<b>Type of Application</b>	Planning Permission
<b>Planning Authority Decision</b>	Granted Permission
<b>Type of Appeal</b>	Third Party Appeals
<b>Appellant(s)</b>	Paul Deasy Diarmuid Curtin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	5 <sup>th</sup> May 2022
<b>Inspector</b>	Susan Clarke

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## **1.0 Site Location and Description**

- 1.1. The site is located between the Dublin Pike (L2980) and the Ballyhooly Road (R614), approximately 3.5km from Cork city and 2km northwest of the suburb of Ballyvolane, in an area identified as an Urban Expansion Area (UEA) in the Cobh Municipal District Local Area Plan. The site measures 4.51ha and is located to the east of the Coppenger Fields, which is accessed from the L2980 and Ballincollie Road. The subject site has frontage along the Ballyhooly Road also. Coppenger Fields is currently under construction, however many of the units are already occupied.
- 1.2. The site is currently in agricultural (tillage) use and is bounded by established hedgerows that slope in a south-eastern direction. The site rises from 72mOD in the south-eastern corner of the site near Ballyhooly Road to 89mOD at its highest point in the north-eastern corner. A stream runs along the eastern site boundary. There is a fulacht fiadh/burnt mound along the eastern boundary also. There are a number of other archaeological sites located in the larger landholding including a ringfort (CO)63-114) and a standing stone (CO)63-073. There are existing 110kv overhead power lines that traverse the west of the site.
- 1.3. The wider area largely comprises low density residential development and agricultural uses. Ballyvolane is an existing largely residential area adjoining the northeast of Cork City. There is an existing retail core located at the Fox and Hounds junction consisting primarily of Ballyvolane Shopping Centre (Dunnes), Lidl, public house and off-licence.
- 1.4. The proposed development at Ballyvolane consists of a large area, which comprises Phase 1 of a larger development area (13.5ha). A masterplan for the entire landholding has been included with the application. The Ballyvolane area is accessible from the Northern Ring Road (R635) via the L2980 and R614. The closest public bus route serving the site is the 248 which stops at White Cross and is within a 10 minute walking distance of the site. This route originates at Parnell Place bus station in the city centre and terminates at Glenville. In addition, there is a bus stop (route 207 which has a frequency of 30mins) located a further 1.2km to the south of the access/egress to the Coppenger Fields.

## 2.0 Proposed Development

The proposed development consists of 96 No. residential units and a creche (383.5 sq m). It is the first phase of a four phase masterplan (Ballincroig Masterplan (July 2020)) prepared by the Applicant, which includes the subject site and lands to the immediate north and south. A copy of the masterplan was included with the planning application. The proposed development has a typical dendritic layout.

- 2.1. The residential units comprise 18 No. apartment units in four, two storey blocks and 78 No. semi-detached and townhouses. The following tables set out the key details of the subject proposal.

	Original Proposal	RFI Proposal
No. of Units	96	96
Height	Two Storey	Two Storey
Site Area	4.51ha	4.51ha
Developable/Net Area	3.13ha	3.07ha
Density	30.67 units/ha	31.27 units/ha
Dual Aspect	Yes	Yes
Open Space	13%	13%
Car Parking	196 No.	196 No.
Bicycle Parking	54 No.	78 No.

### Housing Typology and Mix<sup>1</sup>

14 No.	Semi-detached	4-bed	132.8 sq m
52 No.	Semi-detached	3-bed	117 sq m
6 No.	Townhouses	3-bed	103.8 sq m - 104.8 sq m

<sup>1</sup> Source: 19070/P/003B, Rev. P2, 'Site Plan'.

6 No.	Townhouse	2-bed	99.4 sq m - 102 sq m
2 No.	Apartment	1-bed	52.4 sq m
7	Apartment	2-bed	82.2 sq m – 85.4 sq m
2 No.	Duplex Apartment	1-bed	54.3 sq m
7 No.	Duplex Apartments	2-bed	80.3 sq m – 89.6 sq m

- 2.2. The proposed development also includes 196 No. car parking spaces, 54 No. bicycle spaces, four motorbike spaces, private and communal open space, foul and stormwater drainage, including attenuation, landscaping works, including tree felling, and boundary treatments, and associated site works.
- 2.3. Access to the proposed development will be via the Coppenger Field residential development, located between the subject site and Dublin Pike (L2980). However, a temporary construction access from the Ballyhooly Road is also proposed.
- 2.4. There were no significant amendments proposed to the scheme following a Request for Further Information (RFI). Minor amendments included increasing the number of bicycle spaces from 54 No. to 78 No., traffic calming measures were introduced including reducing the width of internal roads from 6m to 5m, and drainage amendments. As a result of the amendments made at RFI stage, the developable area was recalculated to measure 3.07ha providing an overall density of 31.27 units per hectare.
- 2.5. **Documentation Submitted with Planning Application**

In addition to a Planning Application Form and Statutory Notices, the application included supporting documents (in association with architectural, engineering and landscaping drawings) as follows:

- Planning Statement (March 2021)
- Architectural Design Statement (23<sup>rd</sup> March 2021)

- Housing Quality Assessment (February 2021)
- Ecological Impact Assessment Screening (March 2021)
- Ballincroig Masterplan (July 2020)
- Traffic & Transport Assessment (March 2021)
- Land Planning & Design (March 2021)
- Planning Submission (Engineering) (January 2021) (updated at RFI)
- Archaeological Testing (March 2021)
- Report in Support of Appropriate Assessment Screening (2021)
- Outdoor Lighting Report (3<sup>rd</sup> March 2021)
- Lighting & Power Specification (not dated)
- Waste Management & Construction Management Plan (February 2021) (updated at RFI).

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On 30<sup>th</sup> September 2021, Cork City Council decided to grant permission for the proposed development subject to 44 No. conditions.

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

##### **3.2.1. Planning Reports (19<sup>th</sup> May 2021 and 29<sup>th</sup> September 2021)**

The Planning Officer considered that the principle of the development was acceptable and that the proposed medium density was compliant with the North Environs of the City. The standard of accommodation was largely found to be compliant with the Sustainable Urban Housing: Design Standards for New Apartments (hereafter referred to as the Apartment Guidelines).

In line with recommendations from the Local Authority's internal departments, the Planning Officer requested further information be sought in relation to *inter alia*: waste storage for the apartment blocks, sightlines for construction traffic using R614,

confirmation on the number of car parking spaces and the quantum, location, design and management of bicycle parking, traffic calming measures within the scheme, pedestrian facilities along the L2980, commitment to provide a pedestrian and cycle connection to the Ballyhooly Road subject to an upgrade of the said road, storm and foul water drainage details, and confirmation if works are proposed to the stream along the eastern boundary of the site. Subsequent to the RFI and review of the Response by the Local Authority's internal departments, the Planning Officer recommended that planning permission be granted subject to condition.

### 3.2.2. Other Technical Reports

**Area Engineer** (6<sup>th</sup> May 2021 and 15<sup>th</sup> September 2021): No objection subject to condition.

**Traffic Regulation and Safety Section** (12<sup>th</sup> May 2021 and 20<sup>th</sup> September 2021): No objection subject to condition.

**Urban Roads and Street Design** (13<sup>th</sup> May 2021 and 20<sup>th</sup> September 2021): No objection subject to condition.

**Drainage** (17<sup>th</sup> May 2021 and 27<sup>th</sup> September 2021): No objection subject to condition.

**Environment** (16<sup>th</sup> April 2021, 12<sup>th</sup> May 2021 and 10<sup>th</sup> September 2021): No objection subject to condition.

**Infrastructure** (17<sup>th</sup> May 2021): No objection.

**Parks:** No copy of comments received on file, however the Planner's Report (19<sup>th</sup> May 2021) states that the Department advised that the proposed layout was satisfactory.

**Archaeology:** (17<sup>th</sup> May 2021): No objection subject to condition.

**Contributions:** (4<sup>th</sup> May 2021): No objection subject to condition.

### 3.3. Prescribed Bodies

**Irish Fisheries** (23<sup>rd</sup> April 2021): Request Irish Water to confirm that there is sufficient capacity in the public sewer to accommodate the proposal and that the adjoining stream be not interfered with without the prior approval of IFI.

**Transport Infrastructure Ireland** (21<sup>st</sup> April 2021): No objection subject to condition.

**Irish Water** (21<sup>st</sup> May 2021): No objection subject to condition.

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

Twenty-one Third-Party Observations from local residents and local representatives were made in respect of the application. The key points from the Observations can be summarised as follows:

- The Coppenger Fields' road network is not capable of accommodating the proposed development, particularly construction traffic. The road surface is currently in disrepair.
- The proposed development will adversely change safety, inconvenience of road users by further adding to the already chronic daily traffic build up heading towards the City from within the immediate area through Coppenger Fields.
- All traffic will encircle the only designated local/play/green area for children and represents a traffic hazard for children.
- The proposed creche will add further traffic during opening times daily by non-resident families residing outside the zoned Phase 1 development.
- The entrance to Coppenger Fields was designed for 40 units. The proposed development would increase its usage to 136 units.
- The current plans do not take account of the 80km/h speed limit on the L2980.
- The proposed development does not achieve adequate permeability with the development and will result in increased requirement for car journeys.
- Better pedestrian and cycling facilities are required in the area.
- The current plans for public transport, footpaths and integration with the cycling network are insufficient.
- An alternative access/egress point on Ballyhooly Road should be explored.
- Access to the Ballyhooly Road would be premature pending the proposed Part 8 upgrade works.
- The junction to the south of the site at An Fear Dubh, public house, due to the high speeds of vehicles in the area and its poor horizontal alignment, is



dangerous as it currently stands and the inclusion of additional traffic movements on this junction is unsafe.

- Noise and disruption from both the construction and operational phases of the development will adversely impact residents who have lived in the area for a long time and new residents in Coppenger Field.
- The developer previously advised the Coppenger Field's residents that the houses would be arranged in a quiet cul-de-sac setting. The proposal is at odds with the developer's advertising.
- The area does not have enough car parking to accommodate the proposal.
- Request to have existing mature trees from the site replanted rather than only planting new, young trees.
- An increase in population in the area will increase dog fouling in the area also.
- There are no assurances that there is electricity, water or broadband infrastructure to service the development. There have been a number of water and electrical outages in the area.
- The proposed density is out of character. A density of 12 per hectare would be more appropriate.
- The inclusion of apartment blocks is out of place compared to the rest of the development.
- The apartment blocks will look directly into the rooms and gardens of existing houses.
- The proposed amenity park is located under 110kv electrical cables and as such cannot be called an amenity.
- The proposal will negatively impact the archaeological features in the area, particularly the standing stones, which were designed to be seen as markers on the landscape.
- The master plan has no basis and does not state its author or sponsoring body.

- The application will result in more than 100 units and as such should be invalidated having not correctly followed the Strategic Housing Development process.

## 4.0 Planning History

4.1. No planning records identified relating to the subject site.

4.2. Neighbouring Lands

### Coppenger Fields (west of the subject site)

- **CCC Reg. Ref. 17/6781:** Planning permission granted by the Local Authority in June 2018 for 74 No. dwellings with one new access from the L2980 (Dublin Pike) and one new access from the Ballincolly Road.
- **CCC Reg. Ref. 19/38655:** Planning permission granted by the Local Authority in February 2020 for modifications to the parent permission (Reg. Ref. 17/6781) to include a change in house type and one additional dwelling.

### Ballincolly Road (south-west of the subject site)

- **CCC Reg. Ref. 17/4838:** Planning permission granted by the Local Authority in October 2017 for three dwellings and three associated wastewater treatment systems at Ballincolly Road, Ballyvolane.
- **CCC Reg. Ref. 2039696; ABP 312180:** Planning permission granted by the Local Authority in December 2021 for five dwellings and five new site entrances. Third-Party Appeals due to be determined by An Bord Pleanála in April 2022.

### Longview SHD Development (south-east of the subject site)

- **ABP 306325-20:** An Bord Pleanála granted permission in May 2020 for 753 No. residential units (531 No. houses and 222 No. apartments) and a creche on lands south-east of the subject site along Ballyhooly Road.

### Banduff SHD Development south-east of the subject site)

- **ABP 307373:** An Bord Pleanála refused permission in October 2020 for 162 No. residential units (74 No. houses, 88 No. apartments), and a creche on lands south-east of the subject site on Banduff Road as the proposed development

had the potential to limit route choices on the provision of the proposed Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy and in the Cobh Municipal District Local Area Plan 2017.

Ballyvolane SHD Development (south-east of the subject site)

- **ABP 312076:** An Bord Pleanála granted permission in March 2022 for 275 No. residential units (205 no. houses, 70 no. apartments) and a creche on lands south-east of the subject site along Ballyhooly Road.

## 5.0 Policy Context

### 5.1. National and Regional Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework

- Southern Regional Assembly Regional Spatial & Economic Strategy (RSES) (Jan 2020)

#### Section 7.3 Strategic Residential Growth Nodes

- Ballyvolane Urban Expansion Area can accommodate 3,600 units,
- UEA investment will be holistic and phased.

- Cork MASP Policy

#### Objective 9(i)

- Cork Northern Distributor Road delivering a multimodal orbital public transport route, accessing planned development lands, connecting to radial distributor roads and providing connectivity at its western end to join the existing N22.

#### Objective 9(q)

- North East Orbital Road (access for residential lands and public transport infrastructure Ballyvolane).
- Circular Letter: NRUP 02/2021- Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

## 5.2. Local Planning Policy

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

### 5.2.1. Cork County Development Plan 2014

The site is located within Metropolitan Cork, within the North City Environs at the top of the county settlement strategy, aiming to complement & consolidate the

development of the city as a whole and providing enhanced potential to rebalance the City through new development in the north.

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

#### Urban Design & Density

There are a number of policies and objectives relating to urban design, density, education, surface water, transport and landscape, including:

HOU 3-1- Implement the sustainable residential guidelines

HOU 3-2- Implement DMURS

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

HOU 4-1 – Housing Density on Zoned Land states that lands located within '**Medium B Density**' areas will have 12-25 units per hectare and:

- Max Net Density extended to 35 dwellings/ha in smaller towns outside Metropolitan Cork.
- Normally applicable in smaller towns (less the 5,000 population).
- Can be applied in larger towns through LAP's where there is a requirement to broaden the range of house types.
- Densities less than 12 dwellings/ha will be considered where an exceptional market requirement has been identified.
- Densities between 25 and 35 dwellings/ha will be considered where an exceptional market requirement has been identified.
- 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.

## Surface Water & SuDS

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

### 5.2.2. **Cobh Municipal District Local Area Plan 2017**

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

- NE-R-15: Medium B Residential Development (12-25 units per hectare)
- The site is located within the Cork boundaries - Northern Environs
- Ballyvolane Urban Expansion Area: Phased expansion of the area of 2,337 to 3,600.
- A post primary school and two primary schools are proposed for the area.
- The Cork Cycle Network Plan (2017) identifies a strategic cycle network.
- There is a need to address congestion at the Ballyvolane crossroads.
- The construction of a major piece of road infrastructure from Mayfield to Kilbarry is required to alleviate congestion.

**Section 3.4.1** sets out that the vision for Cork City North Environs to 2020 is “to re-invigorate the northern suburbs of the city, within the County area, as a significant location for future residential development. This will require a planned major mixed use development at Ballyvolane coordinated with substantial infrastructure investment, the provision of enhanced community and recreational facilities and public transport accessibility, with the aim of rebalancing the provision of services more equitably throughout the city.”

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

Table 3.4.2 provides an Indicative Development Programme for Ballyvolane.

Specific objectives relevant to the site within the Cork City North Environs Section include *inter alia*:

- NE-R-15: Medium B Residential Development.

### **Roads**

- NE-U-11: Proposed link road between the Northern Ring Road and Ballyvolane.

Section 3.4.72 states *inter alia* that the “*Ballyhooley road is a critical route into the City, the creation of additional access points onto the Ballyhooley Road would result in additional congestion*”.

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

### **Transmission Line**

Section 3.4.80: A maximum 40m wayleave between buildings is required along the route of the 110kv line.

### **Urban Design**

Section 3.4.82- key principles

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

## **5.3. Natural Heritage Designations**

The closest designated sites are Cork Harbour SPA (004030), which is located approximately 4km from the subject site, Blackwater River (Cork/ Waterford) SAC (002170) located 12km from the site, and the North West of the Great Island Channel SAC (001058) located 7km from the site.

There are three known archaeological monuments in the area, a ringfort (C0063-114), a standing stone (C063-073) and a fulacht fia, which was only discovered in 2019 but has not yet been assigned a number in the Sites and Monuments Record database. The three features are located within the masterplan area, but only the fulacht fia is

located within the subject site. A desktop assessment of each of these has been undertaken and the proposal will have no short or long term impact on any feature of archaeological or architectural heritage.

#### **5.4. EIA Screening**

On the issue of environmental impact assessment screening I note that the relevant classes for consideration are Class 10(b)(i) “construction of more than 500 dwelling units” and Class 10(b)(iv) “urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”. Having regard to the size of the site at 4.51ha and the number of units to be provided at 96 No. (293 No. within the Masterplan area), which is considerably below the 500 dwelling threshold, it is considered that, having regard to the nature and scale of the proposed development, the location of the development on a serviced site together with the characteristics and likely duration of potential impacts, that the proposal is not likely to have significant effects on the environment and that the submission of an environmental impact assessment report is not required. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

### **6.0 The Appeal**

Two Third-Party Appeals were submitted to An Bord Pleanála on 21<sup>st</sup> and 27<sup>th</sup> October 2021 by Paul Deasy<sup>2</sup> and Diarmuid Curtin, respectively, opposing the Local Authority’s decision.

Mr Deasy’s grounds of appeal can be summarised as follows:

- The existing entrance from Coppenger Fields is not suitable to accommodate the proposed development.
- Request that entrance be positioned on the Ballyhooly Road.
- The developer advised residents of Coppenger Fields that the housing development would be a quiet cul-de-sac.

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<sup>2</sup> I note that an observation originally submitted to the Local Authority by Claire Thornhill is attached with Mr Deasy’s Third-Party Appeal.



- Due to cars parking on the road outside houses there is only a narrow single lane, which is unrealistic for such a large proposed development in combination with Coppenger Fields.
- Adding a busy through road next to the park will not be safe for families and children.
- The houses in Coppenger Fields have no boundary walls adding significantly more relevance to the proposed L2980 road through Coppenger Fields and increases risk to children's safety.
- The proposal will increase noise pollution due to large volumes of traffic.
- It is unacceptable that Coppenger Fields "a low density development designed with two entrances and quiet cul-de-sac setting with large green spaces" facilitate a proposed development to host a road through the existing housing development.
- The proposed apartments/duplex are not in keeping with the rural area.

Mr Curtin grounds of appeal can be summarised as follows:

- There have been five instances of water main bursting and loss of domestic water in the last three years.
- The electrical infrastructure in the area is weak. There have been 15 power cuts in the area in the last four years.
- Vehicular access is only available through a completed residential development. It was never part of the original plan for this development for further access to future development through this one point.
- The five-storey apartment block is not in keeping with the rural character of the area and is too close to the 110kv electrical lines.
- The amenity park cannot be called an amenity, when it is located under the electrical lines.
- Large apartment blocks in Phase 3 are not required to reach more reasonable housing provision targets.

- The Ballincroilig Area Development Plan, which much of the scope of the application rests, has neither an author nor a sponsoring authority and therefore much be regarded as a work of fiction.

## 6.1. Applicant Response

The Applicant submitted a First-Party Response to both the Third-Party Appeals. The key points raised in the Response can be summarised as follows:

- The need for the proposed development is justified on the basis of the urgent requirement for new residential dwellings on appropriately zoned and serviced sites within Cork City and the wider Cork Metropolitan Area.
- In line with the requirement to provide significant new residential development on the northside of the Cork City, the long-established local planning policy is to direct population growth of the northern part of Cork City to the Northern Environs which includes the Ballyvolane Urban Expansion Area, which has been designated for strategic residential growth at scale. The Cork Metropolitan Area is planned to accommodate 3,600 new residential units.
- The proposed development in combination with other existing, under-construction and permitted residential developments in the area, as well as future phases of the Ballincroilig Masterplan and across Ballyvolane, will contribute to achieving a critical mass of population in the local area that will justify the timely delivery of these and other sustainable transport initiatives.
- The proposed development demonstrates a strong level of compliance and consistency with national, regional and local policy to provide housing.
- The proposal strikes an appropriate balance between the provision of high-quality living accommodation and the reasonable protection of the amenities of adjoining dwellings.
- The proposed density (31.27 units/ha) serves to strike a balanced transition between the scale and character of developments in the immediate vicinity of the city: Cluain na Greine – 2.7 units/ha, Coppengar Fields – 18.5 units/ha; and the Longview SHD 35.7 units/ha. It is anticipated that the masterplan area will have an overall density of 35+ units/ha.

- In terms of the site's existing connectivity, the subject site is within close proximity to the majority of services and facilities with the Ballyvolane area. It is within a 4-minute drive of the District Centre of Blackpool and the Proposed District Centre of Ballyvolane.
- There are no gaps in the pedestrian network; there is continuous pedestrian connectivity between the subject site to Blackpool and beyond into the city centre. A new footpath is being provided along Ballincollie Road and a 2m wide footpath along the L2980 to provide connectivity for pedestrians in the direction of Whites Cross.
- The Cork Cycle Network Plan provides for increased cycle connectivity between the site and the city.
- Provision for a pedestrian/cyclist connection to the R614 will be provided once the said road has been upgraded.
- Coppengar Fields was marketed as having two entrances with houses arranged in cul de sacs.
- The proposed roads are designed in accordance with DMURS.
- The Local Authority had no issue with traffic safety.
- The appeal points are the same as those made in the submissions to the Local Authority.
- The noise arising from the proposed development will be no different to any other residential estate.
- The scale of development throughout the proposed scheme does not exceed two storeys in height for both houses and apartments. Future phases of the masterplan will be assessed separately and will also be open to public consultation.
- The amenity walk does not form part of the 13% usable open space within the developable area and is an additional space that can be enjoyed by residents.
- Irish Water has confirmed that contractors have been appointed to carry out works in the Ballyvolane Urban Expansion Area necessary for local water services infrastructure upgrades. In addition, the Body advised that any supply

issues in the previous three years were due to routine maintenance or faults in the pipe network. There is no water capacity issue in the area.

- ESB has confirmed that there is supply in the area and that upgrade works are not required to facilitate the proposed development.
- The Response includes a Technical Note prepared by MHL Consulting Engineers, which states that the proposed development by reason of its location will encourage the use of public transport. The Note highlights how accessible the site is to other locations for pedestrians and cyclists.

## **6.2. Planning Authority Response**

No response received.

## **6.3. Observations**

None.

## **6.4. Further Responses**

None.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the Observations made to the Local Authority, the two Third-Party Appeals, and First-Party Response, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Residential Density
- Traffic and Transport
- Urban Design and Layout
- Residential Amenity

- Infrastructure
- Archaeology
- Appropriate Assessment

Each of these issues is addressed in turn below.

## 7.1. Principle of Development

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

## 7.2. Residential Density

- 7.2.1. The Applicant states that the residential density of the proposed development is 31.27ha units per hectare based on the provision of 96 No. units on a developable area of 3.07ha. The developable area excludes a buffer along the eastern boundary and the area both sides of the 110kv lines and the creche on the western section of the site. Section 5.11 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) states that for 'Outer Suburban/Greenfield Sites' *the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally.* Furthermore, the Guidelines state that *development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.*
- 7.2.2. I concur with the Applicant's arguments that the density, whilst higher than the Medium B density (NE-R-15) of 12-25 units/ha as prescribed in the Cobh LAP, is consistent with more up-to-date national and regional planning policy. Furthermore, the Applicant highlights that the proposed density strikes a balanced transition between the scale and character of developments in the immediate vicinity: Cluain na Greine – 2.7

units/ha, Coppenger Fields – 18.5 units/ha; and the Longview SHD 35.7 units/ha. Furthermore, I note that the Board granted permission for the Ballyvolane SHD to the southeast of the site with a density of 40.65 units per hectare.

7.2.3. It is anticipated that the masterplan area will have an overall density of 35+ units/ha. Whilst the masterplan is not a statutory document, it highlights how higher densities are potentially achievable on other areas of the overall landholding. Notwithstanding this, it would be preferable if these phases of the masterplan (Phases 3 and 4) were prioritised over phase 2 which the masterplan states has a potential density of 30 units per hectare.

7.2.4. The proposed development is situated on serviceable lands, within the development boundary of Cork Northern Environs, in an area zoned for residential development, which is subject to ongoing and planned infrastructural improvements, and with access to existing and planned public transport. Having regard to:

- the site's constraints (110kv line and archaeological feature (Fulacht Fia)),
- the locational context of the site and the level of public transport (planned and existing) and other services in the area,
- the densities of existing and permitted residential development in the area including Coppenger Fields and Longview (Ref. 306325),
- and the potential for later phases of the overall landholding to accommodate densities greater than 35 units per hectare,

the proposed density of 31.27 units per hectare is marginally greater than the minimum requirement for outer suburban/greenfield sites as per the 2009 Guidelines and therefore, I consider it to be acceptable.

### **7.3. Traffic and Transport**

7.3.1. The primary focus of the Third-Party Appeals relates to the impacts that traffic generated from both the construction and operational phases will have on the residents of Coppenger Fields. Vehicular and pedestrian access to the L2980 is proposed via the Coppenger Fields residential development to the west of the subject site. The proposal also includes a temporary construction access onto the Ballyhooly Road (R614). Concerns were raised in relation to pedestrian safety within the Coppenger Fields development and permeability for pedestrians and cyclists. Third

parties have requested that the proposed scheme is accessed via the Ballyhooly Road (R614).

7.3.2. The Applicant submitted a Traffic and Transport Assessment (March 2021) with the planning application which provides an assessment of the impact of the proposal on the surrounding network. The Report states that the methodology including the scope and means of assessment of the identified key junctions has been agreed with the Local Authority. The key junctions assessed are as follows:

- Junction 1: White's Cross – Junction of Ballyhooly Road (R614) and L2980 (uncontrolled)
- Junction 2: Development Access Junction at the entrance to Coppenger Fields on the L2980 (uncontrolled)
- Junction 3: Ballincollie Road and L2980 (uncontrolled), and
- Junction 4: Upper Dublin Hill and L2980 (uncontrolled).

7.3.3. Due to impact Covid-19 has had on traffic and travel patterns, historical count data was used to prepare a TTA for the Coppenger Fields in 2017 was utilised and factored up using TII growth factors. The Report advises that the L2980 (to the west of the site) is approximately 6.3m in width and has a speed limit of 80km/hr reducing to 50km/hr west of the Ballincollie Road junction (Junction 3). The Ballincollie road is approximately 3.5m in width with a speed limit of 80km/hr, however the driving speed is stated to be closer to 30km/hr. The Ballyhooly Road (to the east of the site) is a single carriageway, two-way road characterised by two distinct sections; a rural section which fronts the masterplan lands with no pedestrian footpath and a posted speed limit of 80km/hr and a section to the south with a posted speed limit of 50km/hr north of the Kilbarry Link Road and which has a footpath at the entrance to the residential estate Mervue Lawn.

7.3.4. The TTA includes a desktop assessment of existing permeability for cyclists and pedestrians from the site. It highlights that the city centre falls within the 15 minute distance of the site based on unrestricted flow through junctions. All the city centre and southern suburbs area within a 30 minute range. Separate to the TTA, I note that the Applicant confirmed at RFI stage that there are no gaps in the pedestrian network on the L2980 and that there is continuous pedestrian connectivity between the subject

site to Blackpool and beyond into the city centre. This was accepted by the Local Authority. I noted the connectivity in the area during my site visit.

- 7.3.5. The TTA concludes that the proposed development falls within the category of development where the use of sustainable transport solutions will be a real option and that the delivery of the proposal requires no change to the existing roads network for occupation in the year 2023. The Applicant states that the proposed site layout is permeable to the roads network and is connected to the existing pedestrian linkages to public transport offerings. Furthermore, the Report highlights that the proposed new access arrangements are safe and in accordance with the Design Manual for Roads and Bridges (DMRB) and the Design Manual for Urban Roads and Streets (DMURS). The Report states that the completion of the Northern Distributor Road (NDR), which will link from 'Tinker's Cross on the R635, North Ring Road to the N20 will provide an alternative route for traffic currently using the R635 to bypass the city centre. The route will pass to the south of the site incorporating the Kilbarry Link Road and will serve as a high-quality bus corridor orbiting the City. Arterial links to the city centre, such as the Ballyvolane Strategic Transport Corridor will provide connectivity inwards from this route. I am satisfied that the submitted traffic assessment is robust and that it accords with relevant national guidance.
- 7.3.6. As highlighted by the Applicant, two significant transportation reports currently exist, for the surrounding area, which are relevant to the subject site. The Cork Metropolitan Area Transport Strategy (CMATS) 2040, undertaken by the National Transport Authority (NTA) highlights the regeneration of Ballyvolane UEA within appropriate access by bus service via a Bus Connects route along the NDR. The second report, the Ballyhooly Strategic Transport Corridor (BSTC) Scheme, includes a specific project for the North Ring Road to Ballincolly (June 2019) where the provision of pedestrian and cycle facilities along the Ballyhooly road are required. These Reports will be subject to periodic review and are intended to be scalable, flexible and future proofed enough to meet changes in population and employment growth in tandem with the principle of compact growth and public transport oriented development.
- 7.3.7. The Cobh Municipal District Local Area Plan 2017 includes an indicative map of the Ballyvolane UEA. Two specific roads objectives that are particularly relevant to the subject proposal area are:



- NE-U-11 Link Road (L2980 and Ballyhooly Road)
- NE-U-05- Upgrade of the Ballyholly Road.

- 7.3.8. Section 1.7.50 of the LAP identifies the R635/R614 Ballyvolane as a Gateway entrance point into the Cork a junction south of the site, separated by a significant amount of neighbourhood facilities.
- 7.3.9. I note that upgrade works along the Ballyhooly Road (R614) to facilitate pedestrian and cycle route are permitted under the Longview SHD scheme (Ref. 306325-20) to the east of the subject site. In addition, the permitted SHD scheme includes an upgrade of a junction from a priority-controlled junction to a signalised junction, to the south of the site on the Ballyhooly Road.
- 7.3.10. In terms of public transport, the area has been planned for significant structural and capacity/frequency changes to occur in the future, the CMATS is instructive in this instance. The closest public bus route serving the site is the 248 which stops at White Cross (Junction 1) and is within a 10 minute walking distance of the site. This route originates at Parnell Place bus station in the city centre and terminates at Glenville.
- 7.3.11. In addition, Route 207 runs from Ballyvolane to Donnybrook via Cork City centre every 30 minutes. As part of the Ballyvolane Strategic Transport Corridor (BSTC) significant improvements to Route 207 are proposed with the aim of decreasing journey times and enhancing public facilities, such as bus shelters, RTPI (Realtime Public Information), bus priority at all signal-controlled junctions and an increase in frequency of services once improvements are complete.
- 7.3.12. As per CMATS, the medium-term strategy is to introduce BusConnects throughout Cork Metropolitan Area and will provide better access to the city centre. This will increase sustainable travel options for residents in the medium-long term future. However, I note that the priority delivery of BusConnects routes have not been finalised but I am satisfied that the quantum of development proposed will be a factor in achieving the aims and ambition of CMATS and other projects in the area. In this context, I note other large residential housing projects that have been granted permission within the CMATS study area and I am satisfied that public transport provision in the vicinity at present and into the future is adequate and will be significantly enhanced.

- 7.3.13. In terms of traffic safety I note the Third Parties' concerns for the Coppenger Fields residents. In terms of the construction phase, the Applicant proposes that the site is accessed via the Ballyhooly Road (R614). The Applicant confirmed at RFI Stage that 120m sightlines setback 3m from the road were achievable provided the existing hedgerow was trimmed (See Dwg. No. 21012-PP-23, Rev. B Construction Management Phase 1, Ballycrokig Masterplan, Co. Cork). I note that the subject hedgerows border the Applicant's landholding. I consider this proposal acceptable having regard to the duration of the construction period and nature of vehicles that will utilise the subject access/egress point. Furthermore, this proposal should reduce the impacts from construction traffic on the Coppenger Fields residents. Notwithstanding the above, I recommend that should the Board be minded to grant permission for the development, that a detailed Construction Management Plan, including a traffic management plan, be submitted and agreed with the Local Authority prior to the commencement of the proposed development.
- 7.3.14. In relation to the operational phase of the development, I note that the proposed development is compliant with DMURS. Following the RFI, a number of traffic calming measures were included as part of the proposed development including reducing the proposed internal roads from 6m to 5m and the provision of long speed ramps. Footpaths have been provided throughout the scheme. I am satisfied that the proposed internal layout is acceptable and does not represent a traffic safety hazard.
- 7.3.15. In terms of the potential impacts on Coppenger Fields, the proposed development will increase traffic levels particularly within the northern section of the permitted development. Whilst a number of the units in the estate are occupied, the development is not complete at present, including the internal road network. On the day of my site visit, tarmacadam was being laid on the internal road network. The internal road of most concern extends from the access/egress point off the L2980 in a south-eastern direction bordering the open space area and then proceeds in an eastern direction where it will connect with the internal road network for the proposed development (see Photograph 7 attached). Coppenger Fields benefits from two access/egress points; one onto the L2980 and one onto the Ballycollie Road. Traffic exiting the proposed scheme through Coppenger Fields to the L2980 would have to stop before entering into the existing residential development. Having regard to the road width within the existing scheme (6m), the horizontal alignment of the subject internal road and the

permitted traffic calming measures yet to be constructed (e.g. a ramp next to the open space), I do not consider that the proposal represents a significant traffic hazard, notwithstanding that traffic volumes will obviously be increased to accommodate the proposed development. As the proposed creche is designed to service the proposed residential development I do not consider that it will independently generate a significant increase in traffic volumes through Coppenger Fields. Car parking spaces are clearly delineated in both Coppenger Fields and the proposed development and I do not consider that there is any evidence to suggest that the proposal will encourage hazardous car parking on the access road. I highlight that there are no playground facilities designed within the open space area next to the subject roadway. All the dwellings fronting onto the internal access road from the L2980 have car parking within the front curtilage of the plots and have large rear gardens. Furthermore, I note that there is a second large open space area in the southern section of Coppenger Fields. Whilst there is no footpath along the southern and western boundaries of the northern open space area, there are footpaths adjoining the residential units on the opposite side of the road to the open space. It is common place for similar natured roads to service much larger residential development as is evident in many of the permitted SHD developments in the wider area.

- 7.3.16. I note that Coppenger Fields is within the control of the Applicant (i.e. the lands are outlined in blue of the Site Location Map submitted with the planning application) and as such, the Board would be entitled to condition additional measures in this area. However, I do not consider this necessary, as in my view the proposed development does not represent a traffic safety hazard. I note that the Local Authority's Area Engineer, Traffic Regulation and Safety Section, and Urban Roads and Street Design department had no objection with the proposed development. Notwithstanding the above, I recommend that should the Board be minded to grant permission for the development, that a Road Safety Audit is completed and agreed with the Local Authority prior to the commencement of the development and that any recommendations arising from the audit are carried out at the developer's expense.

In relation to the suggestion to create a vehicular access/egress point onto Ballyhooly Road, having regard to the foregoing, I do not consider this option necessary. In any event, I consider that such a proposal would be premature pending the upgrade works planned to the Ballyhooly Road. As stated above, Section 3.4.72 of the LAP states

*inter alia* that the “Ballyhooley road is a critical route into the City, the creation of additional access points onto the Ballyhooley Road would result in additional congestion”. The future link road to the north of the subject site (NE-U-11) will provide another junction on the Ballyhooley Road. I do not consider that it is within the interest of proper planning and sustainable development to provide another entry point, (which as outlined above in my view is unnecessary), onto this road which has been identified to be in need of upgrading. I note that the Local Authority attached a condition (No. 33) to the Decision requiring that prior to the commencement of the upgrade of the Ballyhooley Road, the applicant shall agree in writing with the Planning Authority details of the proposed pedestrian/cyclist connection to the Ballyhooley Road. Should the Board be minded to grant permission for the development, I recommend that a similar condition be attached to the Order.

7.3.17. In summary, the proposed development is located at a well-served suburban location close to a variety of amenities and facilities, such as schools, playing pitches and the commercial/retail centres of Ballyvolane. Current public transport options are limited to a relatively low frequency bus service but significant plans and investment are in place to upscale public transport provision across Cork City and this location in particular. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan. In conclusion, I consider that the proposed development would not result in a traffic hazard for the residents of Coppenger Fields nor would it adversely impact the existing roads in terms of traffic flows or capacity in the wider area.

7.3.18. In terms of car parking, the Applicant outlined in the RFI Response that the following spaces were proposed:

- Two spaces per semi-detached and townhouse (i.e. 156 No. in total)
- 1.6 No. spaces per apartment, with 8 visitor spaces and three EV charging fitted spaces (i.e. 29 No. spaces, inclusive of 8 No. visitor spaces and three EV charging spaces) (Four motorbike spaces are proposed to serve the apartments also).

- Six regular spaces, two parent and child spaces, one disabled space and two EV charging fitted spaces are proposed for the creche.

7.3.19. As stated above, all the spaces are clearly delineated and located in area's that benefit from passive surveillance. I am satisfied that this level of car parking provision is acceptable.

7.3.20. Furthermore, I am satisfied that the level of bicycle parking provision (78 No.) is acceptable and in accordance with the Apartment Guidelines standards.

7.3.21. In summary, I consider that the proposed development would not pose an unacceptable risk to traffic safety, nor would it cause excessive traffic congestion.

#### **7.4. Urban Design and Layout**

The proposed development consists of 96 No. units and a creche. The mix of residential units is proposed as follows:

- 14 No. 4-bed semi-detached dwellings,
- 52 No. 3-bed semi-detached dwellings,
- 6 No. 3-bed townhouses,
- 6 No. 2-bed townhouses,
- 7 No. 2-bed apartments,
- 7 No. 2-bed duplex apartments,
- 2 No. 1-bed apartments, and
- 2 No. 1-bed duplex apartments.

7.4.1. The proposed development has a typical dendritic layout and has largely been informed by the site context. The development is setback approximately 14m from the stream along the eastern boundary of the site. Furthermore, none of the units are proposed within a 50m buffer of the 110kv line traversing the site on the western boundary. The Fulacht Fia located along the eastern boundary has been incorporated into the open space provision. The different types of units are appropriately dispersed throughout the site. Open spaces are logically dispersed throughout the scheme and have satisfactory proportions so as to encourage use and help passive supervision.

- 7.4.2. The public realm approach to the overall site is fairly standard, with streets that conform to DMURS and a variety of street planting and passive supervision opportunities. Vehicular and pedestrian access to the L2980 is proposed via the Coppenger Fields residential development to the west of the subject site. Car parking is provided to the front of the units. Proposed permeability and connectivity both through the site and to the wider area is acceptable. Pedestrian and cyclist connection to the R614 will be provided once the said road has been upgraded which will further improve permeability and connectivity.
- 7.4.3. The Third-Party Appellants raise concern regarding the impact of the proposal on the rural character and in particular the impact from the apartment blocks. The units do not exceed two storeys in height and as such will not have an overbearing impact on one another or Coppenger Fields. Whilst the Third-Party Appellants make reference to five storey buildings these are not proposed as part of the planning application, but are referenced in the masterplan in potential future phases of development. The proposed units in the eastern section of the site are setback from the 110kv power line and as such there is a separating distance of approximately 60m between the proposed units and Coppenger Fields. Therefore, the proposal will have no overbearing or overlooking impacts on the neighbouring residential development.
- 7.4.4. In terms of building materials, the dwellings, apartment blocks and creche will have a traditional off white render finish with a concrete block cavity wall with stone external leaf features on the front elevations and a variation of pressed metal canopies and slate canopies. I am satisfied that due to the use of materials the proposed development will have a distinct character to Coppenger Field. In addition, the masterplan and Architectural Design Statement outline that the potential future phases of development on the landholding will be aesthetically different through the application of material finishes.
- 7.4.5. In summary, in my opinion the proposed development represents an appropriate architectural design response for the site. Whilst the rural character of the site will be altered, I do not consider that the proposal will adversely impact the visual amenity or character of the area, but rather will read as an extension to the Coppenger Fields residential scheme, whilst also having its own identity. Open spaces are logically situated throughout the site and provision has been made within the Masterplan for

the potential future development of the overall landholding. I am satisfied that the urban design approach to the layout of this site is acceptable.

## **7.5. Residential Amenity**

### **Standard of Accommodation**

- 7.5.1. The Planning Authority have raised no significant concerns in relation to the proposed standards of accommodation. The proposed development includes for a total of 96 No. residential units comprising 78 No. houses and 18 No. apartments. The Apartment Guidelines 2020 specify a maximum provision of 50% 1-bedroom units. The proposed apartment unit mix complies with these standards. In my opinion, the proposed development provides a reasonable mix of dwelling units which responds to the character of the adjoining residential developments. As such, I am satisfied that the proposed unit mix is acceptable.
- 7.5.2. The sizes of the proposed units are outlined in Section 2.2 above (see Dwg. 19070/P/003B, Rev. P2 also submitted at RFI stage for the Schedule of Accommodation). I am satisfied that all apartment units exceed the minimum overall floor area requirements of the 2020 Apartment Design Guidelines. There are no section 28 guidelines issued by the minister with regard to the minimum standards in the design and provision of floor space with regard to conventional dwelling houses. However, best practice guidelines have been produced by the Department of the Environment, entitled for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). Table 5.1 of the best practice guidelines sets out the target space provision for family dwellings. The proposed 3-bedroom dwellings have an overall floor area of 103.8 sq m to 104.8 sq m and the 4-bedroom units measure 132.8 sq m and as such complies with the Guidelines.
- 7.5.3. As outlined on the architectural drawings, the proposed development is compliant with the Apartment Guidelines 2020 in terms of bedroom sizes, living/dining/kitchen room sizes, storage, floor-to-ceiling heights, private open space provision and waste facilities. Due to the site's greenfield nature, the density and layout of the proposed development and the scheme's architectural treatment of the proposed units, I am satisfied that appropriate levels of daylight and sunlight would arise to the proposed units. I note that the apartments are dual/triple aspect.

- 7.5.4. In conclusion, I am satisfied that the proposed development provides an acceptable standard of accommodation.

#### **Overbearing, Overlooking and Overshadowing**

- 7.5.5. Due to the proposed density, the separation distance between the proposed units to one another and to existing surrounding residential development including Coppenger Fields, and to the two storey height of the proposed units, the proposed development will not cause any overshadowing or overbearing impacts. Furthermore, due to the buffer zone along the western boundary of the site, the proposed development will not have any overlooking impacts on Coppenger Fields. The southern elevation of the proposed creche is setback by approximately 12m from the closest dwelling in Coppengar Fields. The proposed creche is a single storey structure with three low-level windows on the southern elevation. In addition the rear gardens of the existing dwellings along the northern boundary in Coppenger Fields have a high brick wall (see Photograph 9). As such, there will be no overlooking or loss of privacy on the adjoining neighbours.

#### **Open Space Provision**

- 7.5.6. In terms of open space provision, the proposed development includes three principal usable areas; one along the western boundary incorporating the Fulacht Fia, a small central zone north of Apartment Block 2, and an area along the western boundary under the 110kv lines. Dwg. 19070/P/003B, Rev. P2 submitted at RFI stage states that the open space area accounts for 13% of the net developable area. The Applicant states that the design proposals for the various open space areas provide a variety of multifunctional breakout areas for all age groups, which are well connected and benefit from passive supervision. Usable open spaces are made up of soft and hard landscape finishes to facilitate access and function through the seasons thereby enhancing the value of the spaces. I concur with the Local Authority that the incorporation of the Fulacht Fia into the open space provides an area of visual interest for residents, while also protecting the archaeological importance of the feature.
- 7.5.7. The Third Parties raise concern regarding the level of amenity that the space under the electrical lines can provide. The Applicant advises that due to cost implications, it is not proposed to underground the cables. Whilst in my opinion it would be preferable to underground the cables, I do not consider that they will render the open space



unusable. The slimline profile of the wooden towers ensures that they are not overly dominant on the landscape. In addition, the proposed landscaping plan for the scheme will ensure that the open space will create a visually attractive area and provide residents with an acceptable level of amenity.

7.5.8. The development will result in the removal of 310m of hedgerow, however provision is made for the planting of 160m as part of the landscaping scheme. The Applicant highlights that a further 150m of hedgerow planting is potential feasible in the future phases of the masterplan. The loss of the hedgerows is regrettable, however it is necessary to facilitate the development of the residentially zoned site, which is in close proximity to public transport.

7.5.9. In conclusion, I consider that the proposed open space provision, including that proposed under the 110kv cables will provide an acceptable level of residential amenity.

### **Noise**

7.5.10. The Third Parties raised concerns regarding noise disturbance from the proposed development on neighbouring residential areas. Having regard to the nature and scale of the proposed development, I do not consider the proposal will generate any significant noise impacts during its operational phase that would adversely impact residential amenity in the area. Having regard to the separation distance between the proposed development and the existing residential units, the location of the proposed temporary construction access/egress point on Ballyhooly Road, and subject to the implementation of standard construction techniques, I am satisfied that the proposal will not generate adverse noise impacts on the surrounding area during its construction phase that would adversely impact residential amenity in the area.

### **7.1. Infrastructure /SUDS**

7.1.1. Mr Curtin raises concerns in his Third-Party Appeal in relation to water and electrical shortages in the area. Irish Water had no objection to the proposed development (Confirmation of Feasibility Letter Ref. CDS20007619) and did not highlight any shortages/issues in its submission to the Local Authority (21<sup>st</sup> May 2021). I note that the Applicant states in the First-Party Response to Third-Party Appeal that Irish Water confirmed that contractors have been appointed to carry out works in the Ballyvolane Urban Expansion Area for local water services infrastructure upgrades and that any

supply issues in the previous three years were due to routine maintenance or faults in the pipe network. I note that upgrade works were being carried out along the road on the day of my site visit. In relation to the electrical shortages the Applicant has advised that ESB confirmed that there is supply in the area and that upgrade works are not required to facilitate the proposed development. I do not consider there is enough evidence of infrastructure shortages in the area to solely justify refusing permission for the proposed development.

## **7.2. Archaeology**

- 7.2.1. I refer the Board to the Archaeological Testing report (March 2021) submitted by the Applicant. The site is in Ballincroig at the edge of the suburban area of Ballyvolane on the northern side of Cork city. It consists of a portion of a large block of land extending across parts of three fields which will comprise the first phase of a larger residential development. Licenced archaeological testing was undertaken to inform the detailed design and layout of the proposed scheme in November and December 2020 under licence 20E0586 and in consultation with Cork City Archaeologist. There are three known archaeological monuments in the larger landholding; a ringfort (C0063-114), a standing stone (C063-073) and a fulacht fia, which was only discovered in 2019 but has not yet been assigned a number in the Sites and Monuments Record database. It is proposed to retain the three features in situ within the landholding. The mitigation proposed by the applicant to preserve in-situ the two archaeological monuments within appropriate buffer zones is acceptable and I agree with the City Archaeologist that an appropriate condition should be attached.

## **7.3. Ecology**

The Applicant submitted an Ecological Impact Assessment Screening (March 2021) with the planning application. Site surveys were carried out on 5<sup>th</sup>, 10<sup>th</sup>, and 15<sup>th</sup> of March 2021 to identify the habitats flora and fauna present on the site. The assessment identifies that the site has no unusual features of interest and that there are no large mature or over-mature trees with the potential to be of high value for roosting bats. Section 7.6 of that Report states that no high-risk invasive species were recorded within the proposed development. The habitat character of the site can be described by arable crops, improved agricultural grassland, hedgerows/treelines and

drainage ditches. The development will result in the removal of 310m of hedgerow, however provision is made for the planting of 160m as part of the landscaping scheme. The Report states that bats are likely to forage along the internal and external treelines and hedgerows at the site and that the impact from the development will be localised and is unlikely to significant impact on overall bat populations as there will be no loss of critical resources for bats. The impact is predicted to be permanent and not significant. Section 11 of the assessment sets out mitigation measures common to any similarly scaled suburban development. The assessment concludes that the *“development will impact primarily on low to moderate habitats. There will be a nett loss of hedgerows/treelines which are used as nesting habitats for common bird species. No trees suitable as bat roosting habitat were identified within the site. There will be also a small loss of common agricultural habitats which may be used as foraging grounds for common bird and mammal species. The riparian vegetation along the eastern boundary of the site will be maintained. No impact on aquatic habitats is predicted. No particular difficulties in the effective implementation of the prescribed mitigation measures have been identified. Given the availability of alternative nesting habitat in the vicinity, the impact on nesting birds is likely to be slight and short-term. With the exception of localised impacts and short-term impacts during construction, no significant impacts on fauna are envisaged.”* I have considered all the information in the Ecological Impact Assessment Screening and I am satisfied that the potential for impacts on biodiversity can be avoided and/or managed by measures that form part of the proposed scheme and with suitable conditions, to an acceptable extent.

#### **7.4. Other Matters**

- 7.4.1. The Applicant prepared and submitted a masterplan for the subject site and surrounding lands that are all within the same ownership with the planning application. Whilst the plan is not statutory nor a mandatory requirement for the purposes of making the planning application, it takes account of relevant statutory planning policy and objectives and gives a beneficial overview of how the area could be developed in the future. However my assessment is based on the merits of the proposed development that is the subject of this planning application and not on the wider development proposals contained in the masterplan. The proposed development is not reliant on the delivery of the later phases of development.

- 7.4.2. With respect to the issues raised by the Appellants regarding how the Coppenger Fields residential scheme was advertised, I do not consider this to be a planning matter.

## **7.5. Appropriate Assessment**

- 7.5.1. As stated above, the nearest Natura sites are Cork Harbour SPA (004030), which is located approximately 4km as-the-cow-flies from the subject site, Blackwater River (Cork/ Waterford) SAC (002170) located 12km north as-the-cow-flies from the site, and the North West of the Great Island Channel SAC (001058) located 7km as-the-cow-flies from the site.
- 7.5.2. In summary, the proposed development involves the construction of 96 No. dwellings and a creche on a site of 4.51ha that adjoins the existing sewerage system. Land uses in the vicinity include agricultural ground and residential properties. The site is serviced by public water supply and foul drainage networks. The dominant habitat on site is arable crops with treelines and drainage ditches. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site by the Applicant following site surveys on 5<sup>th</sup> 10<sup>th</sup> and 15<sup>th</sup> March 2021. Neither did I note any such species during my site visit on 5<sup>th</sup> May 2022.
- 7.5.3. It is proposed that the foul sewer will be directed to the south-east of the site and will connect with a 225mm foul water sewer servicing Coppenger Fields, then exiting onto the foul network on the Ballyhooly Road. Wastewater will ultimately discharge into Cork Harbour via the Cork City Wastewater Treatment Plant. Irish Water has confirmed feasibility for the connection.
- 7.5.4. The surface waste will be directed to an underground attenuation tank to the southeast of the site and will be discharged into the open stream running along the Ballyhooly Road having passed through a hydrocarbon interceptor. The stream is not mapped on the EPA online mapping system, however further downstream (south) the stream is referred to as the Ballincolly Stream. The Applicant confirmed in the RFI Response (3<sup>rd</sup> September 2021) that no works are proposed to be carried out in the stream. This stream joins the Glen River (a 2nd order watercourse) which confluences with the Bride River (a 2nd order watercourse) to form the Kiln River. The Kiln River discharges into the River Lee which in turns flows into the Cork Harbour SPA. As such, the

proposed development is approximately 10.5km upstream from the Cork Harbour SPA.

7.5.5. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in Section 3.0 above. There are no submissions that directly refer to appropriate assessment matters.

7.5.6. In terms of zone of interest there are three Natura 2000 sites that are within 15 km of the application site, they are as follows:

- Blackwater River (Cork/ Waterford) SAC (Site Code: 002170);
- Great Island Channel SAC (Site Code: 001058); and
- Cork Harbour SPA (Site Code: 004030).

7.5.7. In applying the 'source-pathway-receptor' model to all Natura 2000 sites within 15 km of the application site I am satisfied that the potential for impacts on the Blackwater River (Cork/ Waterford) SAC can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

7.5.8. In applying the 'source-pathway-receptor' model, I consider that the following sites could potentially be affected due to connections via surface water drainage: Great Island Channel SAC (Site Code: 001058); and Cork Harbour SPA (Site Code: 004030). The Conservation Objectives (CO) and Qualifying Interests of these two sites are as follows:

**European sites assessed for the purpose of screening.**

Site name and code	Distance from the site	Qualifying Interest
Great Island Channel SAC (001058)	c. 7km to the south east as-the-cow-flies	Mudflats and sandflats not covered by seawater at low tide [1140]  Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1330]

Cork Harbour SPA (004030)	c. 4km to the south east of the site as-the-cow- flies	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>
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7.5.9. The Great Island Channel SAC (001058) contains two marine habitats. There is no direct hydrological link to the SAC. Given the small scale nature of the development, the dilution capacity available with Cork Harbour and the nature of the estuarine qualifying habitats for the SAC, no pathway for impact has been identified.

7.5.10. In my view the consideration of impacts are as follows:

- There is nothing unique or particularly challenging about the proposed greenfield development, either at construction phase or operational phase.
- With regard to impacts on sites within a 15 km radius due to ecological connections, I am satisfied having regard to the nature and scale of the proposed development on serviced land, the minimum separation distances from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that there is no potential for indirect impacts on sites in the wider area (e.g. due to habitat loss / fragmentation, disturbance or displacement or any other indirect impacts) and that no Appropriate Assessment issues arise in relation to the European sites listed above.
- During the operational stage surface water from the proposed development will outfall to the existing drainage ditch running along the eastern site boundary, this discharges to an existing 300mm diameter storm sewer in the Ballyhooly Road to the south of the site. The existing storm sewer in the Ballyhooly Road runs east along the Road turning in a southerly direction at Dunnes Stores before discharging to the Glen River. Improvements are planned to surface water drainage infrastructure along the Road. The Glen River is a second order watercourse, which confluent with the Bride River (a 2nd order watercourse) to form the Kiln River c.2.6km downstream of the bridge at Dunnes Stores, before flowing into the River Lee, which is a large 6th order river, a further c.1.0km downstream. The River Lee is part of the Lee Estuary transitional waterbody, which flows into Cork Harbour c.5km further downstream to where the Great Island Channel SAC and Cork Harbour SPA are located. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Cork Harbour.

- During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will discharge to a new storm sewer along the Ballyhooly Road discharging to the Glen River at a point upstream of the bridge at Dunnes Stores. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Cork Harbour can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Cork Harbour (dilution factor).
- In terms of in combination impacts other projects within the Cork areas which can influence conditions in the River Lee and Cork Harbour via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

7.5.11. The Applicant states that a natural buffer zone exists between the development area and the stream in the form of existing earthen berms which provide a 5m buffer between the developable area and the stream during construction stage. In addition a combination of standard construction techniques will be implemented including the use of silt fences, silt traps and stilling ponds to protect the surrounding environment.

7.5.12. During the operational phase, surface water from the proposed development will attenuated in an underground attenuation tank. All surface waters will pass through a hydrocarbon interceptor before discharge to the surface water network (See 'Planning Submission' and drawings by O'Shea Consulting Engineers and for construction stage see 'Waste Management and Construction Management Plan' (Section 1.12) prepared by OSL).



- 7.5.13. These waters will ultimately drain to Cork Harbour via a variety of watercourses. These are not works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any greenfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.
- 7.5.14. The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system to those Natura 2000 sites. They are not required for the purpose of mitigating any potential impact to those Natura sites, given the distance and levels of dilution that would occur in any event. There is nothing unique, particularly challenging or innovative about this urban development on a greenfield/edge of urban site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would not be likely to have a significant effect on the Great Island Channel SAC and Cork Harbour SPA Stage II AA is not required.
- 7.5.15. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 7.5.16. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Great Island Channel SAC (Site Code: 001058); and Cork Harbour SPA (Site Code: 004030) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of

a NIS) is not therefore required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites. I note that a screening statement prepared by Dixon Brosnan, Environmental Consultants was submitted with the planning application documentation, which comes to the same conclusion (i.e. Stage 2 Appropriate Assessment is not required).

## **8.0 Recommendation**

I recommend that planning permission be granted, subject to the conditions outlined below.

## **9.0 Reasons and Considerations**

Having regard to the nature, scale and design of the proposed development, the pattern of existing and permitted development in the area, and the residential zoning objective (NE-R-15: Medium B Residential Development (12-25 units per hectare)) pertaining to the site in the Cobh Municipal District Local Area Plan 2017, and the policies and provisions contained in the National Planning Framework, the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020, Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities, the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities, the Design Manual for Urban Roads and Streets (DMURS), and the Cork County Development Plan 2014, it is considered that the proposed development, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible outer suburban/greenfield location, would be acceptable in terms of pedestrian and vehicular safety and convenience, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of urban design, height and quantum of development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 26<sup>th</sup> March 2021 and as amended by the plans and particulars submitted to the Local Authority on 3<sup>rd</sup> September 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings and apartment buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>(a) The landscaping scheme as submitted with the planning application and as amended by the plans and particulars submitted to the Local Authority, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, with a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>(b) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This</p>

	<p>work shall be completed before any of the residential units are made available for occupation.</p> <p>(c) Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the Planning Authority of that appointment in writing.</p> <p>(d) When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, a Practical Completion Certificate shall be submitted for the written agreement of the Planning Authority, as verification that the approved landscape plans and specifications have been fully implemented.</p> <p>Reason: In the interest of residential and visual amenity.</p>
4	<p>The mitigation measures outlined in the Ecological Impact Assessment Screening (March 2021) submitted with the application, shall be carried out in full, except where otherwise required by conditions of this permission.</p> <p>Reason: In the interest of nature conservation.</p>
5	<p>Hedgerows to be removed on site shall be felled outside of the bird breeding season. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.</p> <p>Reason: In the interest of nature conservation.</p>
6	<p>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.</p> <p>Reason: In the interest of public health.</p>
7	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of orderly development.</p>

8	<p>The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements, shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development:</p> <p>(a) The road layout including, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and any requirements of the Planning Authority for such road works. A minimum width of 3 m shall be provided for any shared pedestrian/cycle routes.</p> <p>(b) The developer shall carry out a Road Safety Audit (Stages 1-3) (that shall include an Access Audit, Cycle Audit and Walking Audit), and shall submit it to the Planning Authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p> <p>(c) Prior to the commencement of the upgrade of the Ballyhooly Road, the developer shall agree in writing with the Planning Authority details of the proposed pedestrian/cyclist connection to the Ballyhooly Road. The works associated with this condition shall be completed at the developer's expense.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
9	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed and patrons of the creche development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interests of encouraging the use of sustainable modes of transport.</p>

10	<p>A minimum of 10% of the communal car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the developer shall submit such proposals to be agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
11	<p>The mitigation measures outlined in the Archaeological Testing submitted with the application, shall be carried out in full, except where otherwise required by conditions of this permission.</p> <p>In addition, the developer shall</p> <ul style="list-style-type: none"> <li>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</li> <li>(b) employ a suitably-qualified archaeologist prior to the commencement of development who shall monitor all site investigations and other excavation works. The archaeologist shall submit a report to the Planning Authority outlining the results of the investigation and report any archaeological finds,</li> <li>(c) a fence to accommodate a buffer zone of 20-25m shall be erected around the ringfort (C0063-114) and a separate fence to accommodate a buffer zone of 10m shall be erected around the burnt mound (Feature 7). In addition, a fence to accommodate a buffer zone of 10m shall be erected around the burnt mound located at the southern end of the landholding,</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</li> </ul>

	<p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
12	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing overground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.</p> <p>Reason: In the interests of amenity and public safety.</p>
14	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15	<p>The site development and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried</p>

	<p>out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
16	<p>Proposals for an estate/street name, house numbering scheme and associated signage, including signage at the entrance to the development, 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
17	<p>The construction of the development shall be managed in accordance with a Construction Management Plan including a traffic 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:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p>



	<p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
18	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including potential contaminated soil, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
19	<p>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, and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
20	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
21	<p>Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the apartment buildings. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit. The Management Company shall include and manage the Community Building for the benefit of the residents of the apartments or the wider community as determined by the Planning Authority.</p> <p>Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.</p>
22	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be</p>

	<p>referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
23	<p>Prior to the commencement of any 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 unit), pursuant to Section 47 of the Planning and Development Act, 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>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.</p>
24	<p>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. The application of any indexation required by this condition 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 for determination.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
25	<p>Prior to commencement of development, the developer shall lodged with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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Susan Clarke  
Planning Inspector

11<sup>th</sup> May 2022