



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311819-21

Strategic Housing Development	162 residential units (74 no. houses, 88 no. apartments), creche and associated site works.
Location	Banduff Road, Banduff, Mayfield, Co. Cork.
Planning Authority	Cork City Council
Prospective Applicant	Miata Limited.
Date of Consultation Meeting	23 rd of February 2022.
Date of Site Inspection	27 th of January 2022
Inspector	Karen Hamilton

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site description, as stated in the previous Inspectors Report (ABP-307373-20) is listed below, which I concur:
- 2.2. “The subject site, which has a stated area of 7.48 hectares, is located in the northern environs of Cork city, approximately 4km from the city centre. It is located within an area identified as the Ballyvolane Urban Expansion Area (UEA) in the Cobh Municipal District Local Area Plan 2017. This UEA extends to 260 hectares approximately. The general area of Ballyvolane is a largely residential area adjoining the northeast of Cork city. There is an existing retail core located at the Fox and Hounds junction, a short distance to the west of the subject site. It is acknowledged in the Cobh Municipal District Local Area Plan that Ballyvolane has the potential to create the critical mass to support improved public transport and services provision, set within the wider Cork Area Strategic Plan context. Some residential development is under construction to the north of Banduff Road.
- 2.3. The element of the site where the residential development is proposed (to the north of the Glen River) has been subject to historical infilling of inert material. The site is characterised by scrub, gorse and some woodland. There are some trees located the northern boundary, adjoining Banduff Road. The site is largely inaccessible although some informal paths were noted through it, accessed mainly through breakages in the existing fencing. There were horses grazing on the lands at the time of my site visit. Some littering/dumping was evident and in its current form, the

site adds little to the streetscape of Banduff Road at this location. The site has vehicular access onto the Banduff Road (L3000) to the north while the Northern Ring Road (R635) runs along the southern boundary. A number of bus stops were evident along the Northern Ring Road”.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would comprise of 162 no. residential units (74 no. houses, 88 no. apartments), crèche and associated site works. Access into the site will be via the Banduff Road to the north and the proposal includes a large area of open space along the south, adjoining the Glen River (runs through the southern portion of the site).

3.2. Development Parameters

Site Area	7.48 hectares (developable area 4.3ha)
No. of residential units	74 houses 88 apartments
Other Works	Crèche facility-440.8m ² 2 pedestrian bridges over Glen River Amenity paths and landscaping
Density	38.4 units/ha (based on area of 4.3 ha)
Open Space provision	13% stated
Height	2-3 storeys
Part V	16 units (10 in Phase 1 and 6 in Phase 2) (8 x 2 bed units; 8 x 3 bed units)
Parking	Car- 224 spaces Bicycle- 142 spaces
Access	Via 2 shared vehicular and shared pedestrian entrances from Banduff Road 6 additional pedestrian accesses from Banduff Road are also proposed

3.3. Dwelling Mix

	1 bed unit	2 bed unit	3 bed unit	4 bed unit	Total
Houses	-	19	49	6	74
Apartments	6	82	-	-	88
Total	6	101	49	6	162

4.0 Planning History

ABP-307373-20

Permission refused for 162 no. residential units (74 no. houses, 88 no. apartments), crèche and associated site works for the follow reason:

1. Cork Metropolitan Area Transport Strategy 2040 (CMATS), adopted by NTA in 2020 sets out an integrated transport planning policy framework for Cork with supporting investment priorities. The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which also came into effect in 2020. Critically important infrastructure identified in CMATS includes a new distributor road on north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR). The proposed development has the potential to have very significant adverse effects on the provision of the Cork Northern Distributor Road as envisaged in the Cork Metropolitan Area Transport Strategy (CMATS) and in the Cobh Municipal District Local Area Plan 2017. Pending determination of the route of the CNDR, the proposal is considered to be inconsistent with Site Specific Objective NE-R-13 of the Cobh Municipal District Local Area Plan 2017; is considered to be premature and inconsistent with the proper planning and sustainable development of the area.

ABP Ref. PL.04.202267 (02/5920)

Permission refused for residential development of 40 dwelling houses. The reasons for refusal were as follows:

1. The site of the proposed development lies within the study area for the Northern Ring Road, the preferred corridor for which will be selected in the

short term under the provisions of the current development plan for the area. The proposed development would, therefore, be premature pending the determination by the planning authority or the road authority of a road layout for the area.

2. The site is located in an area zoned for active open space uses, where it is an objective of the Cork County Development Plan, 2003 to develop such use and discourage other development not ancillary or complementary to the open space function. This objective is considered reasonable. The proposed development would contravene materially this development objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

- 4.1. Recent applications of note in vicinity:

ABP-306325-20

Permission granted under SHD legislation for 753 residential units, crèche and associated site works at Lahardane, Ballyvolane, Cork.

5.0 Relevant Planning Policy

- 5.1. **The Cork City Development Plan 2015-2021 and the Cork County Development Plan 2014 are the operative City/County Development Plans.**

Until May 31st 2019, the northern portion of the site was under the jurisdiction of Cork County Council, while the southern portion was within the jurisdiction of Cork City Council. The entire subject site has since been transferred over to Cork City Council, as part of the transfer of lands. 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. **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.

5.2.1. Zoning and site-specific objective NE-R-13

Residential

The zoning objective is residential where it is an objective to provide for medium A Density Residential Development.

Open Space

The southern portion of the site, to the south of the Glen River are zoned 'Objective ZO14 Public Open Space under the **Cork City Development Plan 2015** which seeks to *'protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates'*.

NE-R-13

The site specific the zoning objective (NE-R-13) for the parcel of lands states that:

'Development of the site shall make provision for the NE-U-06 and the alignment of this route shall be agreed before any development shall commence. Woodland and scrub habitat on this site shall be protected and integrated into landscape scheme where possible'

The specific objectives for the NE-R-13 zoning are:

- Medium A density (20-50 dwellings per hectare);
- Development of the site shall make provision for NE-U-06 and the alignment of this route shall be agreed before any development shall commence;
- Woodland and scrub habitat on this site shall be protected and integrated into landscape schemes, where possible;
- Flood Risk Objective IN-01 of Section 1 of the LAP applies;

5.2.2. Proposed Link Road NE-U-06

- Proposed link road between Ballyhooley Road and Northern Relief Road to Mayfield.

- function as an urban distributor road serving the Ballyvolane Urban Expansion Area, ultimately providing a bypass function and connecting to the Northern Ring Road.

5.3. **Cobh Municipal District Local Area Plan 2017 applies**

- The Glen River formerly marked the extent of the City boundary at this location.
- The site is within the Cork City North Environs and part of the Ballyvolane Urban Expansion Area. There is a population target of 10,719 for Cork North Environs up To 2023 (up from 6,692 in 2011).
- The area is designated as an Area of High Landscape Value.
- The riparian zone is located within Flood Zone A.

5.4. **Cork Metropolitan Area Transport Strategy 2040 (CMATS) (Adopted by NTA in 2020)**

- Sets out an integrated transport planning policy framework for Cork with supporting investment priorities.
- Takes its lead at national level from NPF 2040 and NDP 2018.
- The delivery of CMATS is a critical objective of the Regional Spatial and Economic Strategy for the Southern Region and Cork Metropolitan Area Strategy Plan, which also came into effect in 2020.

5.4.1. **Northern Distributor Road**

- Critically important infrastructure identified in CMATS includes a new distributor road on north side of Cork city, referred to as the Cork Northern Distributor Road (CNDR), which is separate and distinct from the Cork Northern Ring Road.
- CNDR is a short-term objective and critical enabler for CMATS as set out within the Strategy.
- It is also specifically identified and listed within the objectives of the RSES for the Southern Region and Cork Metropolitan Area Strategy Plan 2020.

- The CNDR will deliver a multimodal orbital public transport route from the Carrigrohane Road in the western suburbs to Tinkers Cross in the NE of the city. The road will provide access to radial public transport routes, enable access to planned development lands, provide improved connectivity to the broader road network and enable the removal of traffic from Cork city centre.

5.5. **Draft Cork City Development Plan 2022-2028**

- For information purposes only, Cork City Council advise the Board that the City Development Plan is currently under review.
- The adopted City Development Plan 2022-2028 will replace the current Cork City Development Plan 2015-2021, and the current Cork County Development Plan 2014 and Cork County Municipal District Local Area Plans 2017.
- The public consultation for the draft plan has now been completed.
- For reference only, the draft zoning map shows the lands to the south of the River Glen as Public Open Space, and the lands to the north of the River Glen as public open space (where adjacent to the River Glen) and residential.

6.0 **Section 247 Consultation(s) with Planning Authority**

- 6.1. The PA submission includes a note of a S247 pre application consultation on the 23rd of March 2018 and 25th of July 2018 and a further telephone discussion on the 30th of September 2021. Reference was provided to the opinion submitted to An Bord Pleanála in January 2019.

7.0 **Prospective Applicant's Case**

Statement of Consistency

- 7.1. The applicant's Statement of Consistency notes the national, regional and local planning policies relevant to the development of the site.

8.0 **Planning Authority Submission**

- 8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Cork City Council, submitted their

opinions in relation to the proposal on the 25th of November 2022. The opinion noted the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background. This opinion has been summarised below:

8.2. Key Issue: whether the proposed development is premature pending the publication of the CMATS recommendations and the likely design/ routing of the proposed road.

8.3. Strategic Infrastructure

- The site is traversed by objective NE-U-06.
- The proposed Cork Northern Distributor Multi-modal Route (CNDMR) scheme is currently at route selection stage.
- The proposed development as currently set out has the potential to have significant adverse effects on the provision of the Cork Northern Distributor Multi-modal Route as envisaged in the Cork Metropolitan Area Transport Strategy. It is the view of the Infrastructure Development Directorate that the application is premature at this stage pending the outcome of the CNDMR route selection process. Once the CNDMR route selection process is complete, CCC will be in a position to make a determination on the merits of the application.
- The subject SHD is set within the study area for route selection of the proposed CNDMR, one of the CMATS key recommendations.
- This is distinct from the Cork North Ring Road, which is north of the proposed SHD development, the case for which is being examined separately

Design & Layout

8.3.1. **Density**

- The density proposed is approximately 38 units/hectare
- The S 28 Guidelines on Residential Development envisages a density of 35-50 units per hectare for a site of this nature.
- The Board should determine if the density complies with the national guidance.

8.3.2. **Housing Mix**

- The housing mix shall accord with SPPR1 of the Sustainable Urban Housing: Design Standards for New Apartments (2018) and Objective HOU 3-3 of the County Development Plan

8.3.3. **Dwelling Amenity**

- It is recommended that compliance with “Paras 3.8-3.15 - Safeguarding higher standards” of the Apartment Guidelines 2020 be demonstrated

8.3.4. **Quality of Layout/Heights/Design**

- Parking should not impinge on open space areas
- Recreation facilities shall be provided as part of a housing development, at a rate of 1 point per 6 housing units, a minimum of 30% of the required points shall be satisfied by the provision of on-site local facilities.

Traffic and Accessibility

8.3.5. **Access**

- In respect of the public open space to the south of the River Glen, there is an objective for a new/upgraded amenity route: Silverspring Lane-Lower Mayfield Road-proposed North Ring Road-Ballyhooly New Road.

8.3.6. **Car/ bicycle parking provision**

- It is advised that consideration be given to the reducing the parking ratio set at 1.03 to 0.75 in respect of the apartment complex.
- Bicycle parking and bicycle facilities should comply with standards set out in Design Standards for New Apartments: Guidelines for Local Authorities (2018).

8.3.7. **Road safety**

- A thorough Stage 1/2 Road Safety Audit is required.

8.3.8. **Mobility Management Plan**

- A Mobility Management Plan (MMP) should be submitted as part of the application.

8.3.9. **Intelligent Transport Systems (ITS) & Public Lighting**

- A public lighting design to include pedestrian bridges and footpaths to the south of the Glen River should be submitted for consideration.

8.3.10. **Traffic & Transportation Assessment (TTA)**

- A 'Traffic and Transport Assessment' shall be submitted with the proposal and shall include further information such as traffic count information, changes to the 2023 scenario, data in Table 8.4 and a higher percentage of traffic travelling towards the Ballyvolane junction.

8.3.11. **Sightlines**

- It is recommended the applicant provides sightlines of 90m setback 2.4 in both directions suitable for a Local Primary Road

Flood Risk Assessment

- A full flood risk assessment is required to be carried out.
- There are concerns in relation to flood levels versus floor levels in the southeast corner.
- The FRA should include a 1D-2D modelling exercise to identify any overland flow pathways.

Proposed Creche

- The County Development Plan requires 20 creche spaces per 75 units, therefore the currently proposed scheme would require 43.2 spaces.
- The applicants are proposing a 40-child space crèche

8.3.12. **Surface Water**

- The system should be designed so it requires no maintenance.
- The roadside drainage should be preserved to prevent flooding.

8.3.13. **Sustainable Urban Drainage System (SuDS)**

- A full SuDS system should be included with all measures proposed.

8.3.14. **Urban Watercourse**

- The riparian zone provided for on the northern side of the channel is not in keeping with the Inland Fisheries Ireland document entitled: "Planning for Watercourses in the Urban Environment".
- The applicant should ensure compliance with this document.

8.3.15. **Wastewater**

Environment

- The applicant should submit An Operational Waste Management Plan and a noise report should be produced on the impacts of the roads nearby on the development.

Landscape/Glen River/ Public Open Space

- The site is sensitively located in the Glen River Valley and is designated High Value Landscape. The southern portion of the site is also designated as an Area of High Landscape Value. Objective 10.4 relates to the proposal.
- Part of the lands is zoned Public Open Space.
- It is considered that a comprehensive scheme of landscaping should accompany any SHD application.
- There shall be appropriate setbacks for development from the river corridor on the northern side of the River Glen.
- The Development Plan has an objective to develop a cycle/pedestrian route through these lands to provide an off-road route from Lower Mayfield Road to Ballyvolane and from here via Glen River Park to Blackpool.

- An additional objective is to manage these lands in a sensitive manner to maintain and enhance biodiversity, wildflower meadows and to protect existing habitats, flora and fauna.
- Proposals for the development area should include open space provision and local play facilities with associated hard and soft landscaping.
- Proposals shall include a robust landscaping scheme for along the Banduff Road.

9.0 Irish Water Submission

9.1. An IW submission was received on the 25th of November 2021 to state that the applicant has been issued with a Confirmation of Feasibility for 162 residential units subject to the following:

In respect of **Wastewater**:

- In order to accommodate a connection for the proposed development it will be necessary to carry out further detailed studies and/or investigations to confirm the available capacity and to determine the full extent of any upgrades which may be required to be completed to Irish Water infrastructure in order to service a wastewater connection for this development proposal.
- This entails project scoping as part of a Project Works Service Agreement (PWSA), site investigations, associated timelines to identify upgrades, works and infrastructure required to service this development proposal.
- The applicant is required to agree a high-level solution with Irish Water ahead of any SHD application to ensure adequate provision of wastewater facilities. Irish Water does not currently have any plans to carry out the works required to provide the necessary upgrade(s) and capacity.
- The applicant will be required to fund the upgrade work(s) identified as part of a connection agreement. In addition to the above, there is also a wider network solution for the area in design development with planned delivery by IW from 2024.

In respect of **Water**:

- There is no Irish Water infrastructure adjacent to the site.
- In order to accommodate the connection for the proposed development, upgrade works are required to extend the length of the Irish Water watermain network for approximately 380m.
- Irish Water currently does not have any plans to extend its network in this area, the applicant will be required to fund this local network extension which will be delivered by Irish Water in the public domain.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 23rd of February 2022, commencing at 10.00am, via Microsoft Teams.

Representatives of the prospective applicant, Cork City Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting as detailed below:

1. Previous reason for refusal, *inter alia*, Cork Northern Distributor Road route selection
2. Traffic and Transport, *inter alia*, Road capacity and Carparking
3. Water and Wastewater, *inter alia*, Irish Water Submission, Surface water treatment and Flood Risk Assessment
4. Design and Layout, *inter alia*, Open space
5. Any Other Business

10.2. In relation to the **Previous reason for refusal**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The previous reason for refusal ABP 307373-21 relating to the route of the proposed Cork Northern Distributor Multi-modal Route.
- The information within the Cork Metropolitan Area Transport Strategy (CMATS) and the timescales involved in the planning and delivery of the Cork Northern Distributor Multi-modal Route.

- The emerging Draft Cork Development Plan, the proposed change in the distributor route and the amended to the open space zoning on the site.

10.3. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The location of the car parking spaces adjoining open space, the amount of surface car parking and the proposed carparking ratio.
- The proposed route for the distributor road, the information contained with the Traffic and Transport Assessment, the junction analysis, and the need to ensure up to date traffic surveys.

10.4. In relation to the **Water & Wastewater**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Irish Water Submission and the need to ensure capacity to serve the site for wastewater and water.
- The surface water proposals and the new national guidance from the Department of Housing, Local Government and Heritage (DHLG) for “Nature-based Solutions to the Management of Rainwater and Surface Water Run-off in Urban Areas”.
- The Flood Risk Assessment and the Inland Fisheries Ireland guidance on the appropriate development along urban watercourses.

10.5. In relation to the **Design & Layout**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The functionality and useability of the open space areas.

10.6. In relation to the **Any Other Business**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The need for additional information in relation to any contamination of the site.
- The size of the crèche size and compliance with the local and national guidance and/or any shortfall is justified.

11.0 Assessment

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

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

Conclusion

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

12.0 Recommended Opinion

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

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

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
 - a) Provide further justification in relation to the layout of the overall proposal in relation to the future proposals for the Cork Northern Distributor Multi-modal Route (CNDMR). In this regard the applicant shall submit any documentation and/or evidence available at the time of the making of the application to clearly indicate the route selection for the CDNR, the timescales for delivery and compliance with the Cork Metropolitan Area Transport Strategy (CMATS).
2. An updated Traffic and Transport Analysis to include updated route selection for the CNDMR and any additional analysis of junction capacity identified by the Transport Section.
3. Submission of An Operational Waste Management Plan.
4. Submission of a Noise Assessment.
5. Submission of details and documentation indicating consideration and/or compliance with the Inland Fisheries Ireland (IFI) "Planning for Watercourses in the Urban Environment (2020)".
6. A Sunlight/Daylight/Overshadowing analysis including all relevant plans/documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
7. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant

to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

8. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
9. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. The relevant Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions

under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Karen Hamilton
Senior Planning Inspector

09th of March 2022